



LABOUR LAWS OF ONTARIO

BEING

A collection of the Revised Statutes of 1897 and subsequent enactments
affecting the relations of Employers and Employees and other
matters of interest to Operatives and Wage-Earners.

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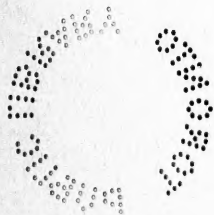
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LAW CLERK OF THE LEGISLATIVE ASSEMBLY OF ONTARIO



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COMPILER'S NOTE.

This collection of the Laws of Ontario affecting Labour and Wages, has been compiled at the suggestion of some of the leading members of Trades Organizations in the Province, in the hope that a wider knowledge of their rights and remedies may prove of substantial value to wage-earners. It is most desirable that all classes should take a lively interest in legislation which has proved of inestimable benefit to the community, and of which, while we do not claim that it has been brought to perfection, the people of this Province may be justly proud. Our labour laws are a striking evidence of the existence of a progressive and enlightened public opinion, and a desire for fair dealing towards those upon whom in so large a measure our national happiness and prosperity depend.

A. M. D.

TORONTO, 15th December, 1898.

MINING REGULATIONS.

R. S. O. 1897, Cap. 36.

An Act respecting Mines.

PART IV.—MINING REGULATIONS ss. 59-72.

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WHO MAY TRY OFFENDERS, s. 83.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Mines Act.*" 55 V. c. 9, s. 1. Short title.

* * * * *

PART IV.—MINING REGULATIONS.

APPLICATION OF PART.

59. This Part shall apply to all mines, quarries and pits, and oil, gas and salt wells, and other openings from which ores or minerals of any kind or class are raised or taken, and to all furnaces or works for smelting or otherwise treating ores, rocks, clays, sands, oils, brines or other minerals for any economic object; and all owners or agents of such mines, quarries, pits, wells, furnaces and works shall observe and keep the provisions of this Part, and in case of non-observance thereof shall incur the penalties provided therefor by section 80. 59 V. c. 13, s. 2.

EMPLOYEES.

60. No boy under the age of fifteen years shall be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground; and no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work in or about any mine. 55 V. c. 9, s. 54.

Hours of employment of boys.

61.—(1) No boy or young male person of the age of fifteen and under the age of seventeen years shall be employed or allowed to be for the purpose of employment in any mine to which this Part applies below ground on Sunday or for more than forty-eight hours in any one week, or more than eight hours in any one day.

(2) The period of such employment, and the time during which any such boy or person may be below ground for the purpose of employment, shall respectively be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface.

(3) A week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. 55 V. c. 9, s. 55; 60 V. c. 8, s. 22.

Register to be kept of lads employed.

62. The owner or agent of every mine to which this Part applies shall keep in the office at the mine, or in the principal office of the mine belonging to the same owner in the district in which the mine is situated, a register, and shall cause to be entered in such register the name, age, residence and date of first employment of all boys or young male persons of the age of fifteen and under the age of seventeen years who are employed in the mine below ground, and shall produce such register to any Inspector at the mine at all reasonable times when required by him, and allow him to inspect and copy the same. The immediate employer of every boy or male young person of the age aforesaid, other than the owner or agent of the mine, before he causes such boy or male young person to be in any mine to which this Part applies below ground, shall report to the owner or agent of such mine, or some person appointed by such owner or agent, that he is about to employ such boy or young male person in the said mine. 55 V. c. 9, s. 56.

Age and sex of persons employed in connection with engines.

63. Where there is a shaft, inclined plane, or level in any mine to which this Part applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up, down or along such shaft, plane or level by means of any engine, windlass or gin, driven or worked by steam or by any mechanical power, or by an animal, or by manual labor, no person shall be allowed to have charge of such engine, windlass or gin, or of any part of the machinery, ropes, chains or tackle connected therewith, unless he is a male of at least twenty years of age. Where the engine, windlass or gin is worked by an animal, the person under whose direction the driver of the animal acts shall for the purposes of this section be deemed to be the person in charge of the engine, windlass or gin, and no person shall be employed as such driver who is under sixteen years of age. 55 V. c. 9, s. 57.

Penalty for employment of persons contrary to Act.

64. If any person contravenes any provision of the four next preceding sections of this Act, he shall be guilty of an offence against this Act, and in case of any such contravention, by any person whomsoever in the case of any mine, the owner and the agent of such mine shall each be guilty of an offence against this Act, unless such owner or agent proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this Act. 55 V. c. 9, s. 58 (1).

65. If it appears that a boy or young person or any person Where person employed about an engine, windlass or gin, was employed on the under age representation of his parent or guardian that he was of an age at employed on which his employment would not be in contravention of this Act, and false representation. under the belief in good faith that he was of that age, the owner or agent of the mine and the immediate employer shall be exempted from any penalty, notwithstanding such boy or other person was not of an age at which his employment as aforesaid is authorized by this Act, provided such owner, agent or employer shall immediately upon discovery of the fact discharge such boy from such employment, but the parent or guardian shall for the misrepresentation aforesaid be deemed guilty of an offence against this Act. 55 V. c. 9, s. 58 (2); 60 V. c. 8, s. 23.

PAYMENT OF WAGES.

66.—(1) No wages shall be paid to any person employed in or about any mine to which this Part applies at or within any public house, beer shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor, or other house of entertainment, or within any office, garden or place belonging or contiguous thereto or occupied therewith. Prohibition of wages at public houses, etc.

(2) Every person who contravenes, or permits any person to contravene this section shall be guilty of an offence against this Act, and in the event of any such contravention by any person whomsoever the owner and agent of the mine in respect of which the wages were paid shall each be guilty of an offence against this Act, unless such owner or agent proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this section. 55 V. c. 9, s. 59.

ANNUAL STATISTICAL RETURNS.

67.—(1) The owner or agent of every mine, quarry or other works Annual to which this Part applies shall, on or before the 15th day of January returns by owners and agents of mines. in every year, send to the Bureau of Mines a correct return for the year ending on the preceding 31st day of December of the number of persons ordinarily employed in or about such mine below ground and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labor are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof; and the owner or agent of every metalliferous mine shall if required make similar returns at the end of each month or quarter of the calendar year for such month or quarter in order that the same may be tabulated for publication by the Director of the Bureau under the instructions of the Commissioner of Crown Lands. Provision for monthly or quarterly returns.

(2) For the purpose of collecting the data of such statistics Schedules to the Director of the Bureau of Mines shall prepare the required be furnished by Director of Bureau, schedules in such form as he may from time to time deem desirable, and send the same by mail to be filled up and returned by the owner or agent of every such mine, quarry or works in the Province. 55 V. c. 9, s. 60 (1, 2); 59 V. c. 13, s. 3 (1); 60 V. c. 8, s. 24.

(3) Every owner or agent of a mine, quarry or other works, who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. 55 V. c. 9, s. 60 (3); 59 V. c. 13, s. 3 (2).

PREVENTION OF ACCIDENTS.

Fencing of
abandoned
or unworked
mines.

68. For the prevention of accidents where any mine has been abandoned or the working thereof has been discontinued, the owner or lessee or other person interested in the minerals of the mine shall cause the top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced; and if any person fails to act in conformity with this section he shall be guilty of an offence against this Part, and any shaft, entrance, pit or other opening which is not fenced as aforesaid shall be deemed to be a nuisance. 60 V. c. 8, s. 25.

GENERAL RULES.

General rules. 69. The following general rules shall so far as may be reasonably practicable be observed in every mine to which this Part applies.

Ventilation.

1. An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables and working places of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

Gunpowder
and blasting.

2. Gunpowder, dualin, dynamite or other explosive or inflammable substance shall only be used underground in the mine as follows:

- (a) It shall not be stored in the mine in any quantity exceeding what would be required for use during six working days.
- (b) It shall not be taken for use into the workings of the mine except in a securely covered case or canister, containing not more than eight pounds.
- (c) A workman shall not have at any time at any place where the same is being used more than one such case or canister.
- (d) In charging holes for blasting, unless in mines excepted from the operation of this section by the Commissioner of Crown Lands, an iron or steel pricker shall not be used, and no person shall have in his possession in the mine underground any iron or steel pricker, and an iron or steel tamping rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder.
- (e) A charge of powder which has missed fire shall not be unrammed.
- (f) A charge which has missed fire may be drawn by a copper pricker, but in no case shall any iron or steel tool be used for the purpose of drawing or drilling out a charge. 55 V. c. 9, s. 74 (1-2).

3. No gunpowder, dualin, dynamite or other explosive shall be used to blast or break up ore in roast heaps where by reason of the heated

condition of such ore or otherwise there is any danger or risk of premature explosion of the charge. 57 V. c. 16, s. 10, part.

4. Every underground plane on which persons travel which is self-acting, or worked by an engine, windlass or gin, shall be provided at intervals of not more than twenty yards with sufficient man-holes for places of refuge, and every such plane which exceeds thirty yards in length shall also be provided with some proper means of signalling between the stopping places and the ends of the plane. 55 V. c. 9, s. 74 (3).

5. Every road on which persons travel underground where the produce of the mine in transit ordinarily exceeds ten tons in any one hour over any part thereof, shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the waggons running on the tramroad and the side of the road; and the Commissioner of Crown Lands may, if he sees fit, require the Inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid, and such certificate shall be conclusive as to the matters therein stated. 55 V. c. 9, s. 74 (4); 60 V. c. 8, s. 28, part.

6. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in such a position as to prevent convenient access thereto. 55 V. c. 9, s. 74 (5); 60 V. c. 8, s. 28, part.

7. The top of every shaft which was opened before the commencement of the actual working for the time being of the mine and has not been used during such actual working shall, unless the Inspector otherwise permits, be securely fenced, and the top of every other shaft which for the time being is out of use, or used only as an air shaft, and all other pits or openings dangerous by reason of their depth upon which work has been discontinued, shall also be securely fenced. 55 V. c. 9, s. 74 (6); 60 V. c. 8, s. 28, part.

8. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

9. Where the natural strata are not safe, every working or pumping shaft, adit, tunnel, drive, roadway or other workings shall be cased, lined or timbered, or otherwise made secure.

10. Every mine shall be provided with proper and sufficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

11. Where one portion of a shaft is used for the ascent and descent of persons by ladders or by a man engine, and another portion of the same shaft is used for raising the material being mined, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion.

12. Every working shaft in which persons are raised which exceeds fifty yards in depth, shall, unless exempted in writing by the Inspector, be provided with guides and some proper means of communicating by distinct and definite signals from the bottom of the shaft, and

from every entrance for the time being in work between the surface and the bottom of the shaft, to the surface, and also of communicating from the surface to the bottom of the shaft, and to every entrance for the time being in work between the surface and the bottom of the shaft.

Cover overhead. 13. A sufficient cover overhead shall be used when lowering or raising persons in every working shaft, except where it is worked by a windlass, or where the person is employed about the pump or some work of repair in the shaft, or where a written exemption is given by the Inspector.

Chains. 14. A single linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load.

Slipping of rope on drum. 15. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping.

Brake. 16. There shall be attached to every machine worked by steam, water or other mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope), which will show to the person who works the machine the position of the cage or load in the shaft.

Inclination of ladders. 17. A proper footway or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft where no machinery is used for raising or lowering persons; and every such ladder shall have substantial platforms at intervals of not more than forty feet, and no such ladder shall be fixed for permanent use in a vertical or overhanging position unless in shafts used exclusively for pumping. In every mine in which vertical or overhanging ladders shall be in use in the shaft at the time these rules were first applied to it, such ladders may be retained if securely fixed platforms are constructed at intervals of not more than 30 feet from each other, and such ladders have sufficient spaces for footholds of not less than six inches.

Dressing room. 18. If more than twelve persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine house or boiler house, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Fencing machinery. 19. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced.

Gauges to boilers and safety-valves. 20. Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.

Willful damage. 21. No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act. 55 V. c. 9, s. 74 (7-20).

70. In any of the following cases namely :

1. Where any working is commenced for the purpose of opening a new shaft for any mine to which this Part applies ;
2. Where a shaft of any mine to which this Part applies is abandoned, or the working thereof discontinued ;
3. Where the working of a shaft of any mine to which this Part applies is recommenced after an abandonment or discontinuance for a period exceeding two months ; or
4. Where any change occurs in the name of a mine, or in the name of the owner or agent of a mine to which this Part applies, or in the officers of any incorporated company which is the owner of a mine to which this Part applies ;

Notice of changes in connection with the working of a mine or in respect of its officers, etc.

the owner or agent of such mine shall give notice thereof to the Inspector within two months after such commencement, abandonment, discontinuance, recommencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act. 55 V. c. 9, s. 62 ; 59 V. c. 13, s. 4.

NOTICE OF ACCIDENTS.**71.—(1) Where in or about any mine to which this Act applies**

Notice of accidents in mines to be sent to Bureau of Mines.

- where above or below ground, either
 1. Loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder or of any steam boiler ; or
 2. Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner or agent of the mine shall within twenty-four hours next after the explosion or accident send notice in writing of the explosion or accident and of the loss of life, or personal injury occasioned thereby to the Director of the Bureau of Mines, and shall specify in such notice the character of the explosion or accident and the number of persons killed and injured respectively.

(2) Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the Inspector within twenty-four hours after such death comes to the knowledge of the owner or agent. Every owner or agent who fails to act in compliance with this section shall be guilty of an offence against this Act. 55 V. c. 9, s. 61.

72. The Commissioner of Crown Lands may at any time direct an Special report. Inspector to make a special report with respect to any accident in a mine to which this Act applies, which accident has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient ; and in conducting an enquiry into the cause of loss of life or of personal injury to any person in or about a mine, the Inspector shall have power to take evidence upon oath. 55 V. c. 9, s. 67, part ; 57 V. c. 16, s. 8.

PART V.—OFFENCES AND PENALTIES.

Penalty for removing picket.

73. Any person who removes, or disturbs with intent to remove, any stake, picket or other mark placed under the provisions of this Act, shall forfeit and pay a sum not exceeding \$20 and costs; and in default of payment of the fine and costs, may be imprisoned for any period not exceeding one month. 55 V. c. 9, s. 45.

* * * * *

Punishment for defacing notices.

75. Every person who pulls down, injures or defaces any rules, notice or abstract posted up by the owner or agent shall be guilty of an offence against this Act. 55 V. c. 9, s. 75.

Penalty for obstructing Inspector.

76. Every person who wilfully obstructs an Inspector in the execution of his duty under this Act, and every owner or agent of a mine who refuses or neglects to furnish to the Inspector the means necessary for making any entry, inspection, examination or enquiry under this Act in relation to such mine, shall be guilty of an offence against this Act. 55 V. c. 9, s. 65 (2).

Responsibility of contractor to prevent accidents.

77. Where work of any sort in or about a mine is let to a contractor, he shall observe and carry out all the provisions of Part IV for the prevention of accidents, and if he contravenes any of such provisions he shall be guilty of an offence against this Act and shall be liable to the same penalties and may be proceeded against in the same way and to the same extent and effect as if he were an owner or agent. 57 V. c. 16, s. 9.

Contravention of rules to be an offence.

78. Every person who contravenes or does not comply with any of the general rules contained in section 69 shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies by any person whomsoever being proved, the owner and agent of such mine, and any contractor and foreman employed in or about such mine, shall each be guilty of an offence against this Act unless such contractor or foreman proves that he had taken all reasonable means to prevent such contravention or non-compliance by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine. 55 V. c. 9, s. 74 (21); 57 V. c. 16, s. 10, part.

Where employees deemed guilty.

79. Every person other than the owner or agent employed in or about a mine who is guilty of any act or omission which in the case of the owner or agent would be an offence against Part IV shall be deemed to be guilty of an offence against the said Part. 55 V. c. 9, s. 69, part.

Penalties.

80. Every owner or agent guilty of an offence against Part IV shall be liable to a penalty not exceeding, except as in this section hereinafter provided, fifty dollars, and any other person guilty of an offence against Part IV aforesaid shall be liable to a penalty not exceeding, except as in this section hereinafter provided, ten dollars: Provided that if the Director of the Bureau of Mines or an Inspector has given written notice of any such offence having been committed, every such owner, agent or other person shall be liable to a further

penalty not exceeding five dollars for every day that such offence continues after such notice. 55 V. c. 9, s. 69, part; 59 V. c. 13, s. 5.

81. No prosecution shall be instituted against the owner or agent of a mine to which this Part applies for any offence under this Act except by an Inspector, or by the County or District Crown Attorney, or with the consent in writing of the Attorney-General; and in case the owner or agent of a mine is charged with an offence under this Act he shall not be found guilty thereof if he proves that he had taken all reasonable means to prevent the commission thereof, and an Inspector shall not institute any prosecution against an owner or agent if satisfied that he had taken such reasonable means as aforesaid. 55 V. c. 9, s. 71. Prosecution of owner or agent.

83. All prosecutions for the punishment of any offence under this Act except under section 18 may take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed, or before a Police or Stipendiary Magistrate, or before an Inspector of the mining division under the provisions of *The Ontario Summary Convictions Act*. 55 V. c. 9, ss. 52, 73. 60 V. c. 8, s. 21. Manner in which prosecutions may take place. Rev. Stat. c. 90.

84. Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose, and Limitation of prosecutions and form of information.

1. The description of any offence under this Act in the words of this Act shall be sufficient in law.
2. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the prosecutor or informant. 55 V. c. 9, s. 70.

85. Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, provided that he shall not be punished twice for the same offence. 55 V. c. 9, s. 72 (1). Prosecutions under other Acts.

86. If the Court before whom a person is charged with an offence under this Act thinks that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the Court may adjourn the case to enable such proceedings to be taken. 55 V. c. 9, s. 72 (2). Where prosecution should be under another Act.

87. Fees, penalties and fines received under this Act, and the costs of all such convictions as take place before any Inspector or magistrate appointed under this Act, shall form part of the Consolidated Revenue Fund of this Province, and be accounted for and dealt with accordingly; and the expenses of carrying this Act into effect in any mining division shall be paid by the Lieutenant-Governor out of the said Consolidated Revenue Fund. 55 V. c. 9, s. 51. Application of fees, fines and penalties.

MECHANICS' AND WAGE-EARNERS' LIENS.

R. S. O. 1897, Cap. 153.

An Act respecting Liens of Mechanics, Wage-Earners and
others.

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MATERIALS NOT TO BE REMOVED TO PREJUDICE OF LIEN, s. 16.	HOW FAR ACT APPLIES TO RAIL- WAYS, s. 52.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows :

- Short Title.** 1. This Act may be cited as *The "Mechanics' and Wage-Earners' Lien Act."* 59 V. c. 35, s. 1.
- Interpretation** 2. Where the following words occur in this Act, or in the schedules hereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :
- "Contractor." 1. "Contractor" shall mean a person contracting with or employed directly by the owner or his agent for the doing of work or placing or furnishing materials for any of the purposes mentioned in this Act ;
- "Sub-contractor." 2. "Sub-contractor" shall mean a person not contracting with or employed directly by the owner or his agent for the purposes aforesaid,

but contracting with or employed by a contractor, or under him by another sub-contractor ;

3. "Owner" shall extend to and include any person, firm, association, body corporate or politic, including a municipal corporation and railway company having any estate or interest in the lands upon or in respect of which the work or service is done, or materials are placed or furnished, at whose request and upon whose credit or on whose behalf or with whose privity or consent or for whose direct benefit any such work or service is performed or materials are placed or furnished, and all persons claiming under him or them whose rights are acquired after the work or service in respect of which the lien is claimed is commenced or the materials furnished have been commenced to be furnished ;

4. "Person" shall extend to and include a body corporate or politic, "Person." a firm, partnership or association ;

5. "Material" or "materials" shall include every kind of movable "Material." property. 59 V. c. 35, s. 2 (1-5).

6. "Wages" shall mean money earned by a mechanic or labourer Meaning of for work done, whether by the day or as piece work. 59 V. c. 35, s. "Wages." 13 (6).

7. "Registry office" shall include land titles office. 59 V. c. 35, "Registry Office." s. 2 (6).

3.—(1) Every agreement or bargain, verbal or written, express or implied, which has heretofore been made or entered into, or which may hereafter be made or entered into, on the part of any workman, servant, labourer, mechanic, or other person employed in any kind of manual labour intended to be dealt with in this Act, by which it is agreed that this Act shall not apply, or that the remedies provided by it shall not be available for the benefit of any person entering into such agreement, is and shall be null and void and of no effect as against any such workman, servant, labourer, mechanic, or other person. 59 V. c. 38, s. 3.

(2) This section shall not apply to any foreman, manager, officer or other person whose wages are more than \$3 a day. 59 V. c. 38, s. 12.

4. Unless he signs an express agreement to the contrary, and in that case subject to the provisions of section 3, any person who performs any work or service upon or in respect of, or places or furnishes any materials to be used in the making, constructing, erecting, fitting, altering, improving or repairing of any erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, or fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or the appurtenances to any of them, for any owner, contractor or sub-contractor, shall by virtue thereof have a lien for the price of such work, service or materials upon the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, and appurtenances thereto, and the lands occupied thereby or enjoyed therewith, or upon or in respect of which the said work or service is performed, or upon which such materials are placed, or furnished to be used, limited however in amount to the

sum justly due to the person entitled to the lien and to the sum justly owing (except as herein provided) by the owner. 59 V. c. 35, s. 5; 60 V. c. 24, s. 1.

Work done or materials furnished on lands of married women.

5. Where work or services is done or materials are furnished upon or in respect of the lands of any married woman with the privity and consent of her husband he shall be conclusively presumed to be acting as well for himself and so as to bind his own interest, and also as the agent of such married woman for the purposes of this Act, unless the person doing such work or service or furnishing such materials shall have had actual notice to the contrary before doing such work or furnishing such materials. 59 V. c. 35, s. 3.

Contracts not to deprive third party of lien.

6. No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act, and not a party to the agreement, of the benefit of the lien, but the lien shall attach, notwithstanding such agreement. 59 V. c. 35, s. 4.

Property upon which lien shall attach.

7.—(1) The lien shall attach upon the estate or interest of the owner as defined by this Act in the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees and the appurtenances thereto, upon or in respect of which the work or service is performed, or the materials placed or furnished to be used, and the lands occupied thereby or enjoyed therewith.

Where estate charged is leasehold.

(2) In cases where the estate or interest charged by the lien is leasehold the fee simple may also, with the consent of the owner thereof, be subject to the said lien, provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof, and duly verified.

Prior mortgage.

(3) In case the land upon or in respect of which any work or service is performed, or upon or in respect of which materials are placed or furnished to be used, is incumbered by a prior mortgage or other charge, and the selling value of the land is increased by the work or service, or by the furnishing or placing of the materials, the lien under this Act shall be entitled to rank upon such increased value in priority to the mortgage or other charge. 59 V. c. 35, s. 6 (1-3).

Application of insurance when lien attaches.

8. Where any of the property upon which a lien is given by this Act is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed, and shall be subject to the claims of all persons for liens to the same extent as if such moneys were realized by a sale of such property in an action to enforce a lien. 59 V. c. 35, s. 7.

Limit of amount of lien.

9. Save as herein provided the lien shall not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. 59 V. c. 35, s. 8.

Limit of lien when claimed by some other than contractor.

10. Save as herein provided where the lien is claimed by any other person than the contractor, the amount which may be claimed in respect thereof shall be limited to the amount owing to the contractor

or sub-contractor or other persons for whom the work or service has been done or the materials have been placed or furnished. 59 V. c. 35, s. 9.

11.—(1) In all cases the person primarily liable upon any contract under or by virtue of which a lien may arise under the provisions of this Act shall, as the work is done or materials are furnished under the contract, deduct from any payments to be made by him in respect of the contract, and retain for a period of thirty days after the completion or abandonment of the contract twenty per cent. of the value of the work, service and materials actually done, placed or furnished as mentioned in section 4 of this Act, and such values shall be calculated on the basis of the price to be paid for the whole contract; Provided that where a contract exceeds \$15,000 the amount to be retained shall be fifteen per cent. instead of twenty per cent. and the liens created by this Act shall be a charge upon the amounts directed to be retained by this section in favour of sub-contractors who liens are derived under persons to whom such moneys so required to be retained are respectively payable. 60 V. c. 24, s. 2 (1).

(2) All payments up to eighty per cent. (or eighty-five per cent. where the contract price exceeds \$15,000) of such value made in good faith by an owner to a contractor, or by a contractor to a sub-contractor, or by one sub-contractor to another sub-contractor before notice in writing of such lien given by the person claiming the lien to the owner, contractor, as the case may be, shall operate as a discharge *pro tanto* of the lien created by this Act. 59 V. c. 35, s. 10 (2).

(3) Payment of the percentage required to be retained under sub-section 1 may be validly made so as to discharge all liens or charges under this Act in respect thereof after the expiration of the said period of thirty days mentioned in sub-section 1 unless in the meantime proceedings shall have been commenced under this Act to enforce any lien or charge against such percentage as provided by sections 23 and 24 of this Act. 60 V. c. 24, s. 2 (2).

12. In case an owner or contractor chooses to make payments to any persons referred to in section 4 of this Act for or on account of any debts justly due to them for work or service done or for materials placed or furnished to be used as therein mentioned, and shall within three days afterwards give, by letter or otherwise, written notice of such payment to the contractor or his agent or to the sub-contractor or his agent, as the case may be, such payments shall, as between the owner and the contractor, or as between the contractor and the sub-contractor, as the case may be, be deemed to be payments to the contractor or sub-contractor, as the case may be, on his contract generally, but not so as to affect the percentage to be retained by the owner, as provided by section 11 of this Act. 59 V. c. 35, s. 11.

13.—(1) The lien created by this Act shall have priority over all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of such lien to the person making such payments or after registration of such lien as hereinafter provided. Priority of lien.

Agreements for purchase where part of purchase money unpaid.

(2) In case of an agreement for the purchase of land, and the purchase money or part thereof is unpaid, and no conveyance made to the purchaser, the purchaser shall, for the purposes of this Act and within the meaning thereof, be deemed a mortgagor and the seller a mortgagee.

Priority among lien-holders.

(3) Excepting where it is otherwise declared by this Act, no person entitled to a lien on any property, or to a charge on any moneys under this Act shall be entitled to any priority or preference over another person of the same class entitled to a lien or charge on such property or moneys under this Act, and each class of lien holders, except where it is otherwise declared by this Act, shall rank *pari passu* for their several amounts, and the proceeds of any sale shall, subject as aforesaid, be distributed among them *pro rata* according to their several classes and rights. 59 V. c. 35, s. 12.

Priority of lien for wages.

14.—(1) Every mechanic or labourer whose lien is for work done for wages shall, to the extent of thirty days' wages, have priority over all other liens derived through the same contractor or sub-contractor to the extent of and on the twenty per cent. or fifteen per cent., as the case may be, of the contract price directed to be retained by section 11 of this Act, to which the contractor or sub-contractor through whom such lien is derived is entitled, and all such mechanics and labourers shall rank thereon *pari passu*. 59 V. c. 35, s. 13 (1); 60 V. c. 24, s. 3.

Enforcing lien in such cases.

(2) Every wage earner shall be entitled to enforce a lien in respect of the contract not completely fulfilled.

Calculating percentage when contract not fulfilled.

(3) In case of the contract not having been completely fulfilled when the lien is claimed by wage-earners, the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor or sub-contractor by whom such wage-earners are employed.

Percentage not to be otherwise applied.

(4) Where the contractor or sub-contractor makes default in completing his contract the percentage aforesaid shall not, as against a wage-earner claiming a lien under this Act, be applied to the completion of the contract or for any other purpose by the owner or contractor, nor to the payment of damages for the non-completion of the contract by the contractor or sub-contractor, nor in payment or satisfaction of any claim of any kind against the contractor or sub-contractor.

Devices to defeat priority of wage-earners.

(5) Every device by any owner, contractor or sub-contractor adopted to defeat the priority given to wage-earners for their wages by this Act shall, as respects such wage-earners, be null and void. 59 V. c. 35, s. 13 (2-5).

Payments made for purpose of defeating claim for lien.

15. Nothing in this Act contained shall apply to make legal any payment made for the purpose of defeating or impairing a claim for a lien arising or existing under this Act, and all such payments shall be taken to be null and void. 59 V. c. 35, s. 14.

Restraining attempt to remove material affected by lien.

16.—(1) During the continuance of a lien no portion of the materials affected thereby shall be removed to the prejudice of the lien, and any attempt at such removal may be restrained on application to the High Court, or to a judge or officer having power to try an action to realize a lien under this Act.

Costs.

(2) The Court, Judge or officer to whom any such application is made, may make such order as to the costs of and incidental to the application and order as he deems just.

(3) When any material is actually brought upon any land to be used in connection with such land for any of the purposes enumerated in section 4 of this Act, the same shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing the same. 59 V. c. 35, s. 15. Material furnished for certain purposes not to be subject to execution.

17.—(1) A claim for lien applicable to the case may be registered in the registry office of the registry division or where the land is registered under *The Land Titles Act* in the land titles office of the locality in which the land is situated, and shall set out:— Registration of claim for lien.
Rev. Stat. c. 138.

(a) The name and residence of the person claiming the lien and of the owner of the property to be charged (or of the person whom the person claiming the lien, or his agent, believes to be the owner of the property to be charged) and of the person for whom and upon whose credit the work (or service) was or is to be done, or materials furnished or placed, and the time or period within which the same was, or was to be, done or furnished or placed;

(b) A short description of the work (or service) done or materials furnished or placed or to be furnished or placed;

(c) The sum claimed as due or to become due; 59 V. c. 35, s. 16 (1 a-c).

(d) A description of the land to be charged sufficient for the purpose of registration, and where the land is registered under *The Land Titles Act* such claim shall also contain a reference to the number of the parcel of the land and to the register in which such land is registered in the Land Titles office. Rev. Stat. c. 138.

(e) The date of expiry of the period of credit (if any) agreed by the lienholder for payment for his work (or service) or materials where credit has been given.

(2) The claim may be in one of the forms given in the schedule to this Act and shall be verified by the affidavit of the person claiming the lien or of his agent or assignee having a personal knowledge of the matters required to be verified and the affidavit of the agent or assignee shall state that he has such knowledge. R. S. O. 1887, c. 116, s. 55; 59 V. c. 35, s. 16. Form of claim.

(3) When it is desired to register a claim for lien against the lands of a railway company, it shall be a sufficient description of such lands to describe them as the lands of such railway company and every such claim for lien shall be registered in the general registry in the registry office for the registration district where such lien is claimed to have arisen. 60 V. c. 24, s. 4. Description of lands where lien registered against railway.

18. A claim for lien may include claims against any number of properties, and any number of persons claiming liens upon the same property may unite therein, but where more than one lien is included in one claim each lien shall be verified by affidavit as provided in section 17 of this Act. 59 V. c. 35, s. 17. What may be included in claim.

19.—(1) A substantial compliance with sections 17 and 18 of this Act shall only be required, and no lien shall be invalidated by reason of failure to comply with any of the requisites of the said sections unless in the opinion of the court, judge or officer who has power to Claims not to be invalidated for informality.

try an action under this Act, the owner, contractor or sub-contractor, mortgagee or other person, as the case may be, is prejudiced thereby, and then only to the extent to which he is thereby prejudiced.

(2) Nothing in this section contained shall be construed as dispensing with registration of the lien required by this Act. 59 V. c. 35, s. 18.

Lien to be registered as an encumbrance.

20.—(1) The registrar, upon payment of his fee, shall register the claim, so that the same may appear as an incumbrance against the land therein described.

Fee for registration.

(2) The fee for registration shall be twenty-five cents. If several persons join in one claim, the registrar shall be entitled to a further fee of ten cents for every person after the first.

Manner of registration.

(3) The registrar shall not be bound to copy in any registry book any claim or affidavit, but he shall number each claim, and shall insert in the alphabetical and abstract indexes the like particulars as in other cases; he may describe the nature of the instrument as "Mechanics' Lien." 59 V. c. 35, s. 19.

Lienholder to be deemed a purchaser. Rev. Stat. c. 136.

21. Where a claim is so registered, the person entitled to the lien shall be deemed a purchaser pro tanto, and within the provisions of *The Registry Act*, but except as herein otherwise provided, *The Registry Act* shall not apply to any lien arising under this Act. 59 V. c. 35, s. 20.

Claims for liens when to be registered.

22.—(1) A claim for lien by a contractor or sub-contractor may, in cases not otherwise provided for, be registered before or during the performance of the contract or within thirty days after the completion thereof.

(2) A claim for lien for materials may be registered before or during the furnishing or placing thereof or within thirty days after the furnishing or placing of the last material so furnished and placed.

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty days after the completion of the service.

(4) A claim for lien for wages may be registered at any time during the performance of the work for which such wages are claimed, or within thirty days after the last day's work for which the lien is claimed. 59 V. c. 35, s. 21; 60 V. c. 24, s. 5.

Liens to cease if proceedings not had within time fixed by Act.

Rev. Stat. c. 138.

23. Every lien which is not duly registered under the provisions of this Act shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof unless in the meantime an action is commenced to realize the claim, or in which the claim may be realized under the provisions of this Act, and a certificate thereof according to Form 6 in the schedule hereto, signed by the proper officer of the Court, is duly registered in the registry office of the registry division, or where the land is registered under *The Land Titles Act*, in the land titles office of the locality wherein the lands in respect of which the lien is claimed are situate. 59 V. c. 35, s. 22; 60 V. c. 3, s. 3; c. 15, Sched. A (76).

24. —(1) Every lien which has been duly registered under the provisions of this Act shall absolutely cease to exist after the expiration of ninety days after the work of service has been completed or materials have been furnished, or placed, or the expiry of the period of credit, where such period is mentioned in the claim of lien registered, unless in the meantime an action is commenced to realize the claim under the provisions of this Act, or an action is commenced in which the claim may be realized under the provisions of this Act, and a certificate registered as required by the next preceding section. 59 V. c. 35, s. 23 (1); 60 V. c. 15, sched. A (76).

(2) The registration of a lien shall cease to have any effect at the expiration of six months from the registration thereof, unless the lien shall be again registered within the said period, except, in the meantime, proceedings have been instituted to realize the claim and a certificate thereof has been duly registered in the proper registry or land titles office. 59 V. c. 35, s. 23 (2).

25. If there is no period of credit, or if the date of the expiry of the period of credit is not stated in the claim so registered, the lien shall cease to exist upon the expiration of ninety days after the work of service has been completed or materials furnished or placed, unless in the meantime an action shall have been commenced and a certificate registered as required by section 23 of this Act. 59 V. c. 35, s. 24.

26. In the event of the death of a lien holder his right of lien shall pass to his personal representatives; and the right of a lien-holder may be assigned by any instrument in writing. 59 V. c. 35, s. 25.

27. —(1) A lien may be discharged by a receipt signed by the claimant or his agent, duly authorized in writing, acknowledging payment, and verified by affidavit and registered; such receipt shall be numbered and entered by the Registrar like other instruments but need not be copied in any book, but the Registrar shall enter against the entry of the lien to which the discharge relates the word "discharged," and state the registration number of such discharge; the fees shall be the same as for registering a claim of lien.

(2) Upon application the court or judge or other officer having power to try an action to realize a lien, may receive security or payment into court in lieu of the amount of the claim and may thereupon vacate the registration of the lien.

(3) The court or such judge or other officer may vacate the said registration upon any other ground.

(4) Where the certificate required by section 23 or section 24 of this act has not been registered within the time limited, and an application is made to vacate the registration of a lien after the time for registration of the certificate required by sections 23, 24 and 25 of this Act, the applicant shall not be required to give notice of the application to the person claiming the lien, and the order vacating the lien may be made *ex parte* upon production of the certificate of the proper registrar certifying the facts entitling the applicant to such order. 59 V. c. 35, s. 26 (1-4).

Certain acts
not to prej-
udice right to
enforce lien.

28. The taking of any security for, or the acceptance of any promissory note for, or the taking of any other acknowledgment of the claim, or the giving of time for the payment of the claim, or the taking of any proceedings for the recovery of the claim or the recovery of any personal judgment for the claim, shall not merge, waive, pay, satisfy, prejudice or destroy any lien created by this Act, unless the lien-holder agrees in writing that it shall have that effect; provided, however, that a person who has extended the time for payment of any claim for which he has a lien under this Act to obtain the benefit of this sub-section shall commence an action to enforce such lien within the time limited by this Act, and register a certificate as required by sections 23, 24 or 25 of this Act, but no further proceedings shall be taken in the action until the expiration of such extension of time; provided further, that notwithstanding such extension of time, such person may, where an action is commenced by any other person to enforce a lien against the same property, prove and obtain payment of his claim in such action, as if no such extension had been given. 59 V. c. 35, s. 26 (5).

Lien-holders
to be entitled
to information
from owner as
to terms of
contract.

29. Any lien-holder may at any time demand of the owner or his agent, the terms of the contract or agreement with the contractor for and in respect of which the work, services or materials is or are performed or furnished or placed, and if such owner or his said agent shall not, at the time of such demand or within a reasonable time thereafter, inform the person making such demand, of the terms of such contract or agreement, and the amount due and unpaid upon such contract or agreement, or shall intentionally or knowingly falsely state the terms of such contract or agreement, or the amount due or unpaid thereon, and if the person claiming the lien shall sustain loss by reason of such refusal or neglect or false statement, the said owner shall be liable to him in an action therefor to the amount of such loss. 59 V. c. 35, s. 27; 60 V. c. 24, s. 6.

Order for
inspection of
contract by
lien-holder.

30. The court or judge, or other officer having power to try an action to realize a lien, may on a summary application at any time before or after any action is commenced for the enforcement of such lien, make an order for the owner or his agent to produce and allow any lien-holder to inspect any such contract, and may make such an order as to the costs of such application and order as may be just. 59 V. c. 35, s. 28.

Mode of
realizing lien s.

31.—(1) The liens created by this Act may be realized by actions in the High Court according to the ordinary procedure of that court, excepting where the same is varied by this Act.

(2) Without issuing a writ of summons, an action under this Act shall be commenced by filing in the proper office a statement of claim, verified by affidavit. (Form 5.)

(3) The statement of claim shall be served within one month after it is filed, but a Judge or other officer having power to try the action may extend the time for service thereof, and the time for delivering a statement of defence (Forms 7 and 8) shall be the same as for entering an appearance in an action in the High Court.

(4) It shall not be necessary to make any lien-holders parties defendant to the action, but all lien-holders served with the notice of trial

shall for all purposes be treated as if they were parties to the action. 59 V. c. 35, s. 29.

32. Any number of lien-holders, claiming liens on the same property, may join in an action, and any action brought by a lien-holder shall be taken to be brought on behalf of all other lien-holders on the property in question. 59 V. c. 35, s. 30.

33. An action to enforce a lien may be tried by the Master in Ordinary, a Local Master of the High Court, an Official Referee, or a Judge of the County Court, in any county or judicial district in which the lands are situate; or by a Judge of the High Court of Justice at any sittings of that court for the trial of actions. 59 V. c. 35, s. 31.

34. The Master in Ordinary, the Local Masters, Official Referees, and the County Judges, shall have, in addition to their ordinary powers, all the jurisdiction, powers and authority, of the High Court or a Judge thereof, and of the said Master in Ordinary, to try, and otherwise completely dispose of, an action to realize a lien, and all questions arising in such action, including the giving or refusing of the costs hereinafter provided. 59 V. c. 35, s. 32; 60 V. c. 24, s. 7.

35.—(1) After the delivery of the statement of defence where the plaintiff's claim is disputed, or after the time for delivery of defence in all other cases where it is desired to try the action other than at the ordinary sittings of the High Court, either party may apply to a Judge or other officer who has the power to try the action, to fix a day for the trial thereof, and the said Judge, or other officer, shall give an appointment fixing the day and place of trial, and on the day fixed, or on such other day to which the trial may be adjourned, shall proceed to try the action, and all questions which arise therein, or which are necessary to be tried, to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom the notice of trial has been served, and at the trial he shall take all accounts, make all enquiries, and give all directions, and do all other things necessary to try and otherwise finally dispose of the action and of all matters, questions and accounts arising in the action or at the trial, and to adjust the right and liabilities of, and give all necessary relief to, all parties to the action or who have been served with the notice of trial, and shall embody all the results in the judgment (Form 13).

(2) The Judge or officer who tries the action may order that the estate or interest charged with the lien may be sold, and when, by the judgment, a sale is directed of the estate or interest charged with the lien, the Judge or officer who tries the action may direct the sale to take place at any time after judgment, allowing, however, a reasonable time for advertising such sale.

(3) The Judge or officer who tries the action may also direct the sale of any materials and authorize the removal thereof.

(4) Any lien-holder, who has not proved his claim at the trial of an action to enforce a lien, on application to the Judge, or officer who tried the action on such terms as to costs and otherwise as may be just, may be let in to prove his claim at any time before the amount realized

Lien-holders
joining in
action.

Who may try
action to
enforce lien.

Powers of our
tain officers.

Appointing
day for trial.

Estate may be
sold.

Sale of
materials.

Letting in
lien-holders
who have not
proved their
claims at trial.

in the action for the satisfaction of liens has been distributed, and where such a claim is proved and allowed the Judge or officer shall amend the judgment so as to include such claims therein.

Right of lien-holders to attend at trial.

(5) Any lien-holder for an amount not exceeding \$100, or any lien-holder not a party to the action, may attend in person at the trial of an action to enforce a lien, and on any proceedings in such action, or may be represented thereat or thereon by a solicitor or by an agent who is not a solicitor.

Report where sale is had.

(6) When a sale is had the Judge or officer with whose approbation the lands are sold shall make a report on the sale and therein direct to whom the moneys in court shall be paid, and may add to the claim of the person conducting the sale his actual disbursements incurred in connection therewith, and where sufficient to satisfy the judgment and costs is not realized from the sale, he shall certify the amount of the deficiency and the names of the persons, with their amounts, who are entitled to recover the same, and the persons by the judgment adjudged to pay the same, and such persons shall be entitled to enforce the same by execution or otherwise as a judgment of the court. 59 V. c. 35, s. 33.

Notice of trial, and service of.

34. The party obtaining an appointment fixing the day and place of trial shall, at least eight clear days before the day fixed for the trial, serve a notice of trial which may be in Form 10 in the Schedule to this Act, upon the solicitors for the defendants who appear by solicitors, and on all lien-holders who have registered their liens as required by this Act, or who are known to him, and on all other persons having any charge or incumbrance, or claims on the said lands, who are not parties, or who, being parties, appear personally in the said action, and such service shall be personal unless otherwise directed by the Judge or officer who is to try the case, who may, in lieu of personal service, direct in what manner the notice of trial may be served. 59 V. c. 35, s. 34.

Consolidation of actions.

37. When more than one action is brought to realize liens in respect of the same property, a Judge or other officer having power to try such actions may, on the application of any party to any one of such actions, or on the application of any other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff he sees fit. 59 V. c. 35, s. 35.

Transferring carriage of proceedings.

38. Any lienholder entitled to the benefit of the action may apply for the carriage of the proceedings, and the Judge, or any other officer having power to try the action, may thereupon make an order giving such lienholder the carriage of the proceedings, and such lienholder shall for all purposes thereafter be the plaintiff in the action. 59 V. c. 35, s. 36.

Where judgment of court of first instance to be final.

39.—(1) In all actions where the total amount of the claims of the plaintiff and other persons claiming liens is \$100 or less, the judgment shall be final, binding, and without appeal, except, that the Judge or officer who tried the same may, upon application, within fourteen days after judgment is pronounced, grant a new trial. 59 V. c. 35, s. 38; 60 V. c. 24, s. 9.

(2) In all actions where the total amount of the claims of the plaintiff and other persons claiming liens is more than \$100 and not more than \$200, any person affected thereby may appeal therefrom to a Divisional Court, whose judgment shall be final and binding on the appellant, but the respondent may appeal therefrom to the Court of Appeal, whose judgment shall be final and binding on all parties. 60 V. c. 15, Sched. A (77); c. 24, s. 10, (1).

(3) In all other cases an appeal may be had in like manner and to the same extent as from the decision of a Judge trying an action in the High Court without a jury. 60 V. c. 24, s. 10 (2).

40. No fees in stamps or money shall be payable to any Judge or other officer in any action brought to realize a lien under this Act, nor on any filing, order, record or judgment, or other proceeding in such action, excepting that every person other than a wage-earner shall, on filing his statement of claim where he is a plaintiff, or on filing his claim where he is not a plaintiff, pay in stamps one dollar on every one hundred dollars, or fraction of one hundred dollars, of the amount of his claim up to one thousand dollars. 59 V. c. 35, s. 37. 60 V. c. 24, s. 8.

41. The costs of the action under this Act awarded by the Judge or officer trying the action, to the plaintiffs and successful lien-holders shall not exceed in the aggregate an amount equal to twenty-five per cent. of the amount of the judgment besides actual disbursements, and shall be in addition to the amount of the judgment, and shall be apportioned and borne in such proportion as the Judge or other officer who tries the action may direct. 59 V. c. 35, s. 41.

42. Where the costs are awarded against the plaintiff or other persons claiming the lien, such costs shall not exceed an amount in the aggregate equal to twenty-five per cent. of the claim of the plaintiff and other claimants, besides actual disbursements, and shall be apportioned and borne as the Judge or said other officer may direct. 59 V. c. 35, s. 42.

43. In case the least expensive course is not taken by a plaintiff under this Act the costs allowed to the solicitor shall in no case exceed what would have been incurred if the least expensive course had been taken. 59 V. c. 35, s. 43.

44. Where a lien is discharged or vacated under section 27 of this Act or where in an action, judgment is given in favour of or against a claim for a lien, in addition to the costs of an action, the Judge or other officer may allow a reasonable amount for costs of drawing and registering the lien or for vacating the registration of the lien. 60 V. c. 24, s. 11 (2).

45. The costs of and incidental to all applications and orders made under this Act and not otherwise provided for shall be in the discretion of the Judge or officer to whom the application or order is made. 60 V. c. 24, s. 11 (1).

46.—(1) Excepting in actions tried by a Judge of the High Court the Judge or other officer who tries the action shall, where money has

been paid into court and the time for payment out arrives, forward a requisition for cheques with a certified copy of his judgment, and (when one is made) of the report on sale, to the Accountant of the Supreme Court of Judicature who shall, upon receiving the said requisition and copy of the judgment and report (if any) make out and return to the said Judge or officer cheques for the amounts payable to the persons specified in the requisition, and the said Judge or officer on receipt of said cheques shall distribute them to the persons entitled. 59 V. c. 35, s. 45; 60 V. c. 24, s. 12.

Fees not to be payable on payments into or out of court.

(2.) No fees or stamps shall be payable on any cheques or proceedings to pay money into court or obtain money out of court, in respect of a claim of lien, but sufficient postage stamps to prepay a return registered letter shall be enclosed with every requisition for cheques. 59 V. c. 35, s. 46; 60 V. c. 24, s. 13.

Form of judgment in favour of lienholders.

47. All judgments in favour of lienholders shall adjudge that the person or persons personally liable for the amount of the judgment, shall pay any deficiency which may remain after sale of the property adjudged to be sold, and whenever on a sale of any property to realize a lien under this Act sufficient to satisfy the judgment and costs is not realized therefrom, the deficiency may be recovered by execution against the property of such person or persons. 59 V. c. 35, s. 47.

Personal judgment when claim for lien fails.

48. Whenever in an action brought under the provisions of this Act any claimant shall fail for any reason to establish a valid lien, he may nevertheless recover therein a personal judgment against any party or parties to the action for such sum or sums as may appear to be due to him and which he might recover in an action on contract against such party or parties. 59 V. c. 35, s. 48.

Forms.

49. The forms in the schedule hereto, or forms similar thereto or to the like effect, may be adopted in all proceedings under this Act. 59 V. c. 35, s. 49.

Liens arising before Act comes into force.

50. This Act shall not apply to liens arising before the 7th day of April, 1896, excepting that where no action has been commenced or proceeding instituted to realize a lien arising before the said day the procedure herein directed shall be adopted to realize the same. 59 V. c. 35, s. 50.

Mechanics entitled to lien on a chattel may sell the chattel if (after three months) payment is not made.

51. —(1) Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists, but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law, to sell by auction the chattel or thing in respect of which the lien exists, on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of the

debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last known place of residence (if any) of the owner, if he be a resident of such municipality.

(2) Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale, and shall upon application pay over any surplus to the person entitled thereto. 59 V. c. 35, s. 51.

52. The provisions of this Act so far as they affect railways under the control of the Dominion of Canada are only intended to apply so far as the Legislature of this Province has authority or jurisdiction in regard thereto. 59 V. c. 35, s. 6 (4).

SCHEDULE.

FORM 1.

(Section 17.)

Claim of Lien for Registration.

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under The Mechanics' and Wage-Earners' Lien Act claims a lien upon the estate of (here state the name and residence of owner of the land upon which the lien is claimed,) in the undermentioned land in respect of the following work [service or materials] that is to say (here give a short description of the nature of the work done or materials furnished and for which the lien is claimed,) which work [or service] was [or is to be] done [or materials were furnished] for (here state the name and residence of the person upon whose credit the work is done or materials furnished) on or before the day of

The amount claimed as due [or to become due] is the sum of \$

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

When credit has been given, insert: The said work was done [or materials were furnished] on credit, and the period of credit agreed to expired [or will expire] on the day of

Dated at this day of , A.D. 18

(Signature of claimant.)

FORM 2.

(Section 17.)

Claim of Lien for Wages for Registration.

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under The Mechanics' and Wage-Earners' Lien Act claims a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of days' work performed thereon while in the employment of (here state the name and residence of the person upon whose credit the work was done) on or before the day of

The amount claimed as due is the sum of \$

The following is the description of land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at this day of (Signature of claimant.)

LABOUR LAWS OF ONTARIO.

FORM 3.

(Section 18.)

Claim of Lien for Wages by Several Complainants.

The following persons under *The Mechanics' and Wage-Earners' Lien Act* claim a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of wages for labour performed thereon while in the employment of (here state name and residence or names and residences of employers of the several persons claiming the lien).

A. B. of (residence)	\$	for	days' wages.
C. D. "	\$	for	days' wages.
F. F. "	\$	for	days' wages.

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at _____ this _____ of _____
(Signatures of the several claimants.)

FORM 4.

(Section 17.)

(Affidavit Verifying Claim for Registration.)

I, A. B., named in the above (or annexed) claim, do make oath that the said claim is true.

Or We, A. B. and C. D., named in the above (or annexed) claim, do make oath, and each for himself saith that the said claim, so far as relates to him, is true.

[Where affidavit made by agent or assignee a clause must be added to the following effect:— I have full knowledge of the facts set forth in the above (or annexed) claim.]

Sworn before me at _____, in the _____
county of _____, this _____
day of _____, A.D. 18 ____.

Or, The said A. B. and C. D. were severally
sworn before me at _____ in the county
of _____, this _____ day of _____,
A.D. 18 ____.

Or, The said A. B. was sworn before me
at _____, in the county of _____
this _____ day of _____, A.D. 18 ____.

FORM 5.

(Section 31.)

Affidavit Verifying Claim in Commencing an Action.

(Style of Court and Cause.)

I, _____, make oath and say, that I have read, or heard read, the foregoing statement of claim and say that the facts therein set forth are, to the best of my knowledge and belief, true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all the sums of money or goods or merchandize to which (naming the debtor) is entitled to credit as against me

FORM 6.

(Sections 23 and 24.)

Certificate for Registration.

(Style of Court and Cause.)

(Date)

I certify that the above-named plaintiff has commenced an action in the above Court to enforce against the following land (*describing it*) a claim of Mechanics' Lien for \$

60 N. c. 15, Sched. A (76).

FORM 7.

(Section 31.)

Defence.

(Style of Court and Cause.)

A. B., disputes that the plaintiff is now entitled to a mechanics' lien on the following grounds: (*Setting forth the grounds shortly*)

(a) The lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by (*the owner*) for the satisfaction of the plaintiff's claim.

Delivered on the day of by *A. B.* in person,
whose address for service is (*stating address within two miles of the court house*),
or

Delivered on the day of by *Y. Z.*, solicitors
for the said *A. B.*

NOTE.—If the owner does not dispute the lien entirely and only wishes to have the accounts taken he may use Form 8.

FORM 8.

(Section 31)

* Defence where there are no matters disputed or where the matters in dispute are matters of account.

(Style of Court and Cause.)

A. B. admits that the plaintiff is entitled to a lien and claims that the following is a just and true statement of the account in question:—

Amount of contract price for work contracted to be performed by

E. F. as plumber on the lands in question herein..... \$500 00

Amounts paid on Account.

June 1st, 1889, paid *E. F.*..... \$200 00July 1st, 1889, paid *G. H.* and *I. K.*, sub contractors of*E. F.*..... 100 00

\$300 00

Balance admitted to be due..... \$200 00

For satisfaction of lien of plaintiff and other lien holders (*as the case may be*) *A. B.*, before action tendered to the plaintiff \$

in payment of his claim and now brings into Court \$ and submits that that amount is sufficient to pay the plaintiff's claim, and asks that this action be dismissed as against him with costs.

Delivered, etc.

FORM 9.

(Section 49.)

Affidavit of Owner Verifying Account.

(Style of Court and Cause)

, A. B., of , being the owner of the lands in question in this action, make oath and say: That the account set forth in the foregoing defence is a just and true account of the amount of the contract price agreed to be paid by me to E. F. for the work contracted to be done by him on the lands in question.

The said account also justly and truly sets forth the payments made by me on account thereof, and the person or persons to whom the same were made; and the balance of [\$200] appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said E. F.

Sworn, etc.

FORM 10.

(Section 36.)

Notice of Trial.

(Style of Court and Cause.)

Take notice that this action will be tried at the Court House, in the Town of , in the County of , on the day of by and at such time and place the will proceed to try the action and all questions which arise in or which are necessary to be tried to completely dispose of the action and to adjust the rights and liability of the persons appearing before him, or upon whom this notice of trial has been served, and at such trial he will take all accounts, make all inquiries and give all directions and do all things necessary to try and otherwise finally dispose of this action, and of all matters, questions, and accounts arising in said action and will give all necessary relief to all parties.

And further take notice that if you do not appear at the trial and prove your claim, if any, or prove your defence, if any, to the action the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

This is a Mechanics' Lien action brought by the above-named plaintiff, against the above-named defendants to enforce a Mechanics' Lien against the following lands:—(set out description of lands.)

This notice is served by, etc.

FORM 11.

(Section 49.)

Statement of Account by Lienholders, not parties to the action.

(Style of Court and Cause.)

E. F. Dr. to G. H.

1889.		
Jan. 1,	To 12 doz brackets.....	\$12 00
Feb. 3,	" 50 lbs. of nails.....	5 00
Oct. 3,	" 60 sheets of glass.....	40 00
		<hr/> \$57 00

Cr.

1889.		
Feb. 4,	By cash.....	\$ 4 00
June 5,	" goods.....	20 00
		<hr/> \$24 00
		<hr/> \$33 00

FORM 12.

(Section 49.)

Affidavit of Lienholder Verifying Claim.

(Style of Court and Cause.)

I, G. H. of (address and occupation), make oath and say :—I have in the foregoing account (or in the account now shown to me marked A) set forth a just and true account of the amount due and owing to me by E. H. (the owner) [or by E. F., who is a contractor with the defendant, L. G. (the owner).] of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which the said E. F. is justly entitled to credit in respect of the said account and the sum of \$333 appearing by such account to be due to me as the amount (or balance) of such account is now justly due and owing to me.

Sworn, etc.

59 V. c. 35, Sched., Forms 6-11.

FORM 13.

(Section 35.)

Judgment.

In the High Court of Justice.

Monday, the 10th July, 1896.

Name of Judge or officer.

William Spencer, Plaintiff.

and

Thomas Burns, Defendant.

This action coming on for trial before
 in at
 upon opening of the matter and it appearing that the following persons have been duly served with notice of trial herein, (set out names of all persons served with notice of trial) and all such persons (or as the case may be) appearing at the trial [if so and the following persons not having appeared set out names of non-appearing persons] and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for C. D. and E. F. and the defendant [if so and by A. B. appearing in person]

1. This Court doth declare that the plaintiff and the several persons mentioned in the first schedule hereto are respectively entitled to a lien under *The Mechanics' and Wage-Earners' Lien Act*, upon the lands described in the second schedule hereto, for the amounts set opposite their respective names in the 2nd, 3rd and 4th columns of the said 1st schedule, and the persons primarily liable for the said claims respectively are set forth in the 5th column of the said schedule.

2. [And this Court doth further declare that the several persons mentioned in schedule 3 hereto are also entitled to some lien, charge or incumbrance upon the said lands for the amount set opposite their respective names in the 4th column of the said schedule 3, according to the fact]

3 And this Court doth further order and adjudge that upon the defendant (A. B. the owner) paying into court to the credit of this action the sum of (gross amount of liens in schedule 1 and 3 for which owner is liable) on or before the day of next, that the said liens in the said 1st schedule mentioned be and the same are hereby discharged, [and the several persons in the said 3rd schedule are to release and discharge their said claims and assign and convey the said premises to

\$12 00
 5 00
 40 00
 \$57 00

0
 0
 \$24 00
 \$33 00

the defendant (*owner*) and deliver up all documents on oath to the said defendant (*owner*) or to whom he may appoint] and the said moneys so paid into court are to be paid out in payment of the claims of the said lien holders (*if so, and incumbrancers*).

4. But in case the said defendant (*owner*) shall make default in payment of the said moneys into Court as aforesaid, this Court doth order and adjudge that the said lands be sold with the approbation of the Master of this Court at _____ and that the purchase money be paid into court to the credit of this action and that all proper parties do join in the conveyances as the said Master shall direct.

5. And this Court doth order and adjudge that the said purchase money be applied in or towards payment of the several claims in the said 1st [and 3rd] schedule[s] mentioned as the said Master shall direct, with subsequent interest and subsequent costs to be computed and taxed by the said Master.

6. And this Court doth further order and adjudge that in case the said purchase money shall be insufficient to pay in full the claims of the several persons mentioned in the said 1st schedule, the persons primarily liable for such claims as shown in the said 1st schedule do pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same shall have been ascertained by the said Master.

7. And this Court doth declare that _____ have not proved any lien under *The Mechanics' and Wage-Earners' Lien Act* and that they are not entitled to any such lien, and this Court doth order and adjudge that the claims of liens respectively registered by them against the lands mentioned in the said 2nd schedule be and the same are hereby discharged, *according to the fact.*]

SCHEDULE 1.

Names of lien holders entitled to mechanics' liens.	Amount of debt and interest (if any).	Costs.	Total.	Names of primary debtors.

(Signature of officer issuing judgment.)

SCHEDULE 2.

The lands in question in this matter are

(Set out by description sufficient for registration purposes.)

(Signature of officer issuing judgment.)

MECHANICS' AND WAGE-EARNERS' LIENS.

29

SCHEDULE 3.

Names of persons entitled to incumbrances other than mechanics' liens.	Amount of debt and interest (if any).	Costs.	Total.

(Signature of officer issuing judgment.)

60 V. c. 24, Form 12.

FORM 14.

(Section 27.)

Certificate Vacating Lien.

(Style of Court and Cause.)

Date

I certify that the defendant *A B. (the owner)* has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and *E. F., G. H., I. J. and K. L.* and their liens are hereby vacated and discharged so far as the same affect the following lands (*describe lands*).

(Signature of Master or Referee.)

FORM 15.

(Section 27.)

Certificate Vacating Lien.

(Style of Court and Cause.)

Date

I certify that I have inquired and find that the plaintiff is not entitled to a mechanics' lien upon the lands of the defendant *A. B. (the owner)* and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (*describe lands*).

(Signature of Master or Referee.)

59 V. c. 35, Schedule, Forms 13, 14.

WOODMEN'S LIENS.

R. S. O. 1897, CAP. 154; 61 VICT, CAP. 17.

The Woodman's Lien for Wages Act.

SHORT TITLE, s. 1.	Adjudication upon, ss. 25-27.
INTERPRETATION, s. 2.	Sale and distribution of proceeds ss. 28, 29.
TERRITORY TO WHICH ACT APPLIES, s. 3.	Discharge of lien if nothing done, s. 30.
AGREEMENTS WAIVING RIGHTS UNDER ACT VOID, s. 4.	Costs, s. 31.
WHO ENTITLED TO LIEN, s. 5.	Distribution of surplus, s. 32.
STATEMENT OF LIEN TO BE FILED, ss. 6-8.	Where action not prosecuted, ss. 33.
SALE NOT TO AFFECT LIEN, s. 9.	Adding parties, s. 34.
ENFORCEMENT OF LIEN :	Other remedies not affected, s. 35.
Action and attachment, ss. 10-18	Lien holders may join, s. 36.
Transit within district not to be prevented, s. 19.	Transfer of proceedings to District Court, s. 37.
Separation of logs, s. 20.	Where actions commenced in several courts, s. 38.
Restoration of logs upon security, s. 21.	Rules of procedure, s. 39.
Notice of dispute, s. 22.	MALICIOUS PROCEEDINGS, s. 40.
Payment into court, s. 23.	WAGES, HOW TO BE PAID, ss. 41-43.
Advertisement for claims, s. 24.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- Short title** 1. This Act may be cited as "*The Woodman's Lien for Wages Act.*" 57 V. c. 38, s. 1 (1).
- Interpretation.** 2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears :—
- "Logs or timber." 1. The words "logs or timber" shall mean and include logs, timber, cedar posts, telegraph poles, railroad ties, tan bark, pulp-wood, shingle bolts or staves or any of them.
- "Labour, service or services." 2. The words "labour, service or services" shall mean and include cutting, skidding, felling, hauling, scaling, banking, driving, running, rafting or booming any logs or timber and any work done by cooks, blacksmiths, artisans and others usually employed in connection therewith.
- "Person." 3. The word "person" in section 5 of this Act shall include cooks, blacksmiths, artisans and all others usually employed in connection with such labour and services.

4. The word "Judge" where used in this Act shall include the Stipendiary Magistrate where he presides over or holds Division Courts, and the word "bailiff" shall include a constable who under *The Division Courts Act* may execute an attachment or perform other service. *Rev. Stat. 54 V. c. 22, s. 2; 61 V. c. 17, s. 1.* c. 60.

3. This Act shall apply to the Districts of Muskoka, Parry Sound, Application of Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River, and *Act.* to the Provisional County of Haliburton. *57 V. c. 38, s. 1 (2-3); 59 V. c. 36, s. 1.*

4.—(1) Every agreement or bargain, verbal or written, express or implied, which has heretofore been made or entered into, or which may hereafter be made or entered into, on the part of any workman, servant, labourer, mechanic, or other person employed in any kind of manual labour intended to be dealt with in this Act, by which it is agreed that this Act shall not apply, or that the remedies provided by it shall not be available for the benefit of any person entering into such agreement, is hereby declared to be null and void and of no effect as against any such workman, servant, labourer, mechanic, or other person. *59 V. c. 38, s. 3.* Contracts
waiving appli-
cation of Act
to be void.

(2) This section shall not apply to any foreman, manager, officer, or other person whose wages are more than \$3.00 a day. *59 V. c. 38, s. 12.*

5. 1. Any person performing any labour, service or services in connection with any logs or timber in the said Districts or Provisional County, shall have a lien thereon for the amount due for such labour, service or services, and the same shall be deemed a first lien or charge on such logs or timber, and shall have precedence of all other claims or liens thereon, except any lien or claim which the Crown may have upon such logs or timber for or in respect of any dues or charges, or which any timber slide company or owner of slides and booms may have thereon for or in respect of tolls. *54 V. c. 22, s. 3; 57 V. c. 38, s. 2; 59 V. c. 36, s. 2.* Lien for
labour on logs
or timber.

(2) Any contractor who has entered into any agreement under the terms of which he has cut, removed, taken out and driven for any licensee of the Crown, by himself or by others in his employ, any logs or timber into the waters at or near Lake Superior, the Georgian Bay, Lake Huron, or the Saint Mary River, for export in the log out of the Province of Ontario, shall be deemed to be a person performing labour, service or services upon logs or timber within the meaning of this section, and such cutting, removal, taking out and driving shall be deemed to be the performance of labour, service or services within the meaning of this section. *59 V. c. 36, s. 4 (1) part.* Contractors,
with respect
to labour or
services to be
performed on
timber got out
for export.

6.—(1) The lien provided for in section 5 shall not continue to be a charge on the logs or timber after the time within which the statement of claim hereinafter provided for is required to be filed unless such statement, verified upon oath by the person claiming such lien or some one duly authorized on his behalf, shall be filed as is hereinafter directed. Lien to con-
tinue on state-
ment being
filed in Dis-
trict Court.

(2) Such statement shall be in writing, and, except as is hereinafter authorized, shall be filed in the office of the Clerk of the District

Court of the Provisional Judicial District in which the labour or service or some part thereof has been performed.

Proviso.

(3) Where such labour or services have been performed upon any logs or timber got out to be run down or which have been run down any of the rivers or streams flowing into the Georgian Bay, Lake Huron, Lake Superior, Lake of the Woods, Rainy Lake or Rainy River or Pigeon River, such statement may, at the option of the claimant, be filed in the office of the Clerk of the District Court of the district in which the labour or service or some part thereof has been performed as aforesaid or in the office of the Clerk of the District Court of the district wherein the drive terminates or reaches the waters of the lakes, bays or rivers hereinbefore specifically named.

Clerk of Court at Rat Portage.

(4) Where the right to take proceedings under this Act to enforce any lien, arises in the District of Rainy River, the statement of claim may be filed in the office of the Deputy Clerk at Rat Portage of the District Court, and the expression "Clerk of the Court," "Clerk of the District Court," or "Clerk" in this Act shall be deemed to include the said deputy clerk. 54 V. c. 22, s. 4.

Filing claim, etc., when right to enforce lien arises in Muskoka.

(5) Where the right to take proceedings under this Act to enforce any lien, arises in the District of Muskoka, the statement of claim may be filed in the office of the Deputy Clerk at Bracebridge, of the District Court, and the expression "Clerk of the Court," "Clerk of the District Court," or "Clerk" in this Act shall be deemed to include the Deputy Clerk at Bracebridge of the District Court. 57 V. c. 38, s. 3.

Filing claim, etc., when right to enforce lien arises in Haliburton.

(6) Where the right to take proceedings under this Act to enforce any lien arises in the Provisional County of Haliburton, the statement of claim may be filed in the office of the Clerk of the County Court of the County of Victoria, and the expression "Clerk of the Court," "Clerk of the District Court," or "Clerk" in this Act shall be deemed to include the Clerk of the County Court of the County of Victoria, and "District Court" shall include the said County Court. 59 V. c. 36, s. 3.

(7) Where the right to take proceedings under this Act to enforce any lien arises in the District of Manitoulin, the statement of claim may be filed in the office of the Deputy Clerk of the District Court at Gore Bay, and the expression "Clerk of the Court," "Clerk of the District Court," or "Clerk" in this Act shall be deemed to include the Deputy Clerk of the District Court at Gore Bay. 61 V. c. 17 s. 2.

Statement of lien.

7. Such statement shall set out briefly the nature of the debt, demand or claim, the amount due to the claimant as nearly as may be, over and above all legal set-offs or counter-claims, and a description of the logs or timber upon or against which the lien is claimed, and may be in the form set out in the Schedule to this Act, or to the like effect. 54 V. c. 22, s. 5.

When statement to be filed.

8.—(1) In the case of any contractor coming within the terms of sub-section 2 of section 5 the statement of claim shall be filed on or before the 1st day of September next following the performing of the labour, service or services to which such statement refers. 59 V. c. 36, s. 4 (1) part.

(2) In other cases if such labour, service or services be performed between the 1st day of October and the 1st day of April next thereafter, the statement of claim shall be filed on or before the 20th day of April next thereafter, but if such labour, service or services be performed on or after the 1st day of April and before the 1st day of October in any year, then such statement shall be filed within twenty days after the last day such labour, service or services were performed. 54 V. c. 22, s. 6, part.

9. No sale or transfer of the logs or timber upon which a lien is claimed under this Act during the time limited for the filing of such statement of claim and previous to the filing thereof, or after the filing thereof and during the time limited for the enforcement thereof, shall in any wise affect such lien but such lien shall remain and be in force against such logs and timber in whosoever possession the same shall be found. 54 V. c. 22, s. 6 part. Sale not to affect lien.

10. Any person or persons having a lien upon or against any logs or timber may enforce the same by suit, where the claim does not exceed \$200, in the Division Court within whose jurisdiction the said logs or timber or any part thereof may be situated at the time of the commencement of the suit, or where the claim exceeds \$200, in the proper District Court where such statement of lien is filed and such suit may be commenced to enforce such lien, if the same be due, immediately after the filing of such statement, or if credit has been given immediately after the expiry of the period of credit, and such lien claim shall cease to be a lien upon the property named in such statement unless the proceedings to enforce the same be commenced within 30 days after the filing of the statement of claim, or after the expiry of the period of credit. In all such suits the person, company or corporation liable for the payment of such debt or claim shall be made the party defendant. 54 V. c. 22, s. 7 (1). Enforcement of liens by suit in District or Division Courts.

11. There shall be attached to or endorsed upon the writ or summons a copy of the lien claim filed as hereinbefore provided and no other statement of claim shall be necessary unless ordered by the Court or Judge, and no pleadings or notices of dispute or defence other than such as are required in a suit or proceeding in the Division Court shall be necessary whether the suit be brought in the District Court or in the Division Court. In case no dispute is filed, judgment may be signed and execution issued according to the practice of the Division Court. The Court or Judge may order any particulars to be given or any proper or necessary amendments to be made, or may add or strike out the names of parties at any time and may set aside judgment and permit a defence or dispute to be entered or filed, on such terms as to him shall appear proper. The writ shall be in the form as nearly as may be of that in use in the Court in which it is issued, but the practice thereafter shall follow as nearly as may be that of the Division Court. Writs may be served anywhere in the Province in the same manner as in other cases, and the judgment shall declare that the same is for wages, the amount thereof and costs, and that the plaintiff has a lien therefor on the property described when such is the case. 54 V. c. 22, s. 7 (2).

Procedure
subsequent to
execution in
certain cases.

12. Where an execution has issued and has been placed in the Sheriff's hands for execution and no attachment has been issued, the proceedings for the enforcement of the lien shall be by sale under the execution, and the proceedings relating to proof of other claims and the payment of money into Court and the distribution of the moneys and otherwise shall, as far as practicable, be the same as is hereinafter provided for proceedings upon and subsequent to an attachment. 54 V. c. 22, s. 7 (3).

Procedure
where attach-
ment issues.

13. Where an attachment issues in the first instance, either from the District Court or Division Court, the statement of claim and defence and proceedings to judgment may be the same, as hereinbefore provided, where a suit has been begun by writ or summons; and where an attachment issues after proceedings have been begun by writ or summons the proceedings shall continue and be carried to judgment under the writ or summons, except such as are necessary to be taken under the attachment. 54 V. c. 22, s. 7 (4).

Form of
attachment.

14. The forms of attachment shall be as nearly as may be the same as were formerly in use in the District Courts or are in use in the Division Courts. The District Judges and Stipendiary Magistrates of said districts, or a majority of them, may jointly prepare and adopt forms of writs, summonses, attachments and other forms for the more convenient carrying out of the provisions of this Act. 54 V. c. 22, s. 7 (5).

Summary dis-
posal of cases.

15.—(1) In any case, whether commenced by writ or summons or attachment, and whether in a Division or District Court, the Judge may direct that the same shall be disposed of summarily by him in chambers without waiting for the regular sittings of the court, upon such terms as to notice and otherwise as the order shall provide, and the same may be so heard and disposed of.

(2) The Judge may also entertain in chambers any application to set aside an attachment or seizure or to release logs that have been seized, and may summarily dispose of the same. 54 V. c. 22, s. 7 (6, 7).

When attach-
ment to issue
from Division
Court.

16. Where the amount of any claim, filed as aforesaid does not exceed \$200, and is not less than \$10, upon the production and filing of a copy of such claim and affidavit made and sworn by the claimant of the amount of the claim due and owing, and showing that the same has been filed as aforesaid and stating that

- (a) He has good reason to believe and does believe that the logs or timbers are about to be removed out of the Province of Ontario, or
- (b) That the person indebted for the amount of such lien has absconded from the Province, with intent to defraud or defeat his creditors, or
- (c) That the saw logs or timber are about to be cut into lumber or other timber so that the same cannot be identified,
- (d) And that he is in danger of losing his said claim, if attachment do not issue,

and if affidavits corroborating the affidavit of the plaintiff in respect of clauses (a), (b) or (c), be also filed, then the Clerk of the proper Division Court shall issue a warrant under his hand and seal as in the case of an attachment under section 257 of *The Division Courts Act*, directed to the Bailiff of the Division Court commanding such bailiff to attach, seize, take and safely keep such logs or timber, or a sufficient portion thereof to secure the sum mentioned in the warrant, and the costs of the suit, and of the proceedings to enforce the lien, and to return the warrant forthwith to the court out of which the same issued. 54 V. c. 22, s. 8.

17.—(1) Where the amount claimed exceeds \$200, upon the filing of a copy of such claim and affidavit, the Clerk of the District Court of the district where the action may be brought, shall upon the filing of an affidavit or solemn affirmation made by the claimant and showing such facts as would authorize the issue of an attachment under the preceding section and such affidavits in corroboration as is provided in the preceding section, issue a writ of attachment directed to the Sheriff of the district commanding him to attach, seize and take and safely keep the said logs or timber or such portion of them as may be necessary to satisfy the amount claimed and the costs of the suit and of the proceedings to enforce the lien.

(2) Where additional claims are made or the amount of claim is increased, or a sufficient seizure has not been made, a second or subsequent seizure may be made either under execution or attachment. 54 V. c. 22, s. 9.

18.—(1) The said warrant or writ of attachment shall also, where no writ or summons has issued, summon the defendant to appear before the District Court or Division Court out of which the attachment has issued, and a copy of the writ of attachment shall be served upon the defendant, and if the defendant in such attachment is not the owner of the logs or timber described in the warrant or writ then a copy of the writ shall also be served upon the owner of the said logs or timber or upon the person or agent in whose possession, custody or control for him they may be found.

(2) Where the defendant or owner of the logs or timber cannot be found within the district, and there is no one in possession of the logs or timber, then a copy of the warrant or writ of attachment shall be forwarded to the Sheriff of any county or district or the Bailiff of any Division Court, in the Province of Ontario, within whose shrievalty or jurisdiction, the defendant and owner or either of them, as the case may be, resides or may be found, and such copy of the warrant or writ of attachment may be served by such Sheriff or Bailiff upon such defendant or owner of the logs or timber. The owner may, on his own application, or by direction of a Judge, be made a party-defendant at the trial.

(3) In case the defendant or owner cannot be found within the Province, or the owner cannot be ascertained and no agent or person is in possession for the owner, the writ or warrant may be served in such manner as the Judge shall by order direct, but when the writ is served upon an agent or other person in possession as aforesaid, the order of the Judge allowing the said service shall be necessary.

Admission of parties to make defence. (4) Where the service has not been personal upon either the defendant or owner, and where a proper defence has not been made, the Judge may, in his discretion, admit the defendant and owner, or either of them to make full defence and may make such order in the premises as may be reasonable and just to all parties.

Payment of officer's disbursements. (5) The Sheriff or Bailiff shall, before making any service, be entitled to demand the payment of a sum sufficient to cover the amount of his necessary disbursements in effecting the same. 54 V. c. 22, s. 10.

Logs or timber in transit within district not to be detained. 19. No Sheriff or Bailiff shall seize upon or detain any logs or timber under the provisions of this Act when in transit from the place where cut to the place of destination when such place of destination is within any of the said districts in which proceedings have been commenced, but in case such logs or timber are so in transit or are in the possession of any booming company or other person or corporation for the purpose of being driven or sorted and delivered to the owners or to satisfy any statutory lien, then attachment of said logs or timber may be made by serving a copy of said attachment upon the person or corporation driving or holding the same, who shall from the time of such service be deemed to hold the same both on his or their own behalf and for the said sheriff or bailiff to the extent of the lien until the logs or timber can be driven and sorted out; and when driven or sorted out, the sheriff or bailiff may receive the said logs or timber from such person or corporation, and the statutory lien of such person or corporation shall not be released by the holding of such sheriff or other officer. 54 V. c. 22, s. 11 (1).

Separation of logs. 20. The claimant or plaintiff in any suit and the Sheriff or Bailiff or other officer shall, when necessary, be entitled, under order of the Judge, to take any proceedings which the owner of any logs may take under *The Saw Logs Driving Act* for the purpose of procuring the separation of any logs so seized by the Sheriff or other officer under this Act from other logs with which they have become intermixed, or a sale may be made without such separation if the Judge so directs. 54 V. c. 22, s. 11 (2).

Sheriff or Bailiff to restore possession upon execution of bond. 21. In case of an attachment, if the owner of the logs or timber or any person in his behalf shall execute and file with the Clerk of the Court out of which the attachment has issued a good and sufficient bond for the person claiming the lien, executed by two sureties and approved by the said clerk and conditioned for the payment of all damages, costs, charges, disbursements and expenses that may be recovered by the claimant in such proceedings, together with the amount for which a lien is claimed in any other suit, if any, the Clerk shall issue an order to the Sheriff or Bailiff having in charge the logs or timber directing their release, and upon service of such order upon the Sheriff or Bailiff he shall release the same. 54 V. c. 22, s. 12.

Persons served to enter notice of dispute. 22.—(1) Any person who shall have been served with a copy of the warrant or writ of attachment under the preceding sections, and who may desire to dispute the same shall within 14 days after such service enter in the court in which proceedings are pending a notice that he disputes the claim of lien in whole or in part. 54 V. c. 22, s. 13.

(2) If no notice of dispute be entered under this section judgment may be entered as in the case of default, and the practice or procedure may be the same as in a suit begun by writ or summons. 54 V. c. 22, s. 14.

If no notice of dispute entered judgment may be entered.

23. The defendant may, at any time after service of the writ or attachment and before the sale of the logs or timber, pay into court the amount for which a lien is claimed in the suit, together with the amount for which a lien is claimed in any other suit (if any), and also the costs of the proceedings to the date of such payment to be taxed by the Clerk of the Court if so required, and the person making such payment shall thereupon be entitled to a certificate vacating the said lien; and upon said certificate being filed with the Clerk of the District Court in which the original statement of claim was filed, the said lien shall be vacated and all further proceedings thereon shall cease, and the person making such payment shall further be entitled to an order directing the delivery up of the logs or timber seized under the attachment, or the cancellation of any bond given under section 21 of this Act. 54 V. c. 22, s. 15.

Persons served with attachment may pay amount claimed into court.

24.—(1) After the expiration of the time hereinbefore named within which notice of dispute may be entered, the Judge shall, upon the application of the claimant, issue an appointment naming a day upon which all persons claiming a lien on the logs or timber shall appear before the Judge in person or by their solicitor or agent, for the adjustment of their claims and the settlement of accounts, and the said appointment shall be served upon the defendants and upon the owner, if the Judge so directs, and shall also, if the Judge so directs, be published once a week for two weeks before the day named in said appointment in a newspaper published in the district in which proceedings are pending if a newspaper be published therein, and if not then in a newspaper published in an adjoining district.

Day to be fixed by advertisement for hearing parties interested, taking accounts, etc.

(2) Provided further that a copy of such appointment shall be mailed by registered letter to every holder of a claim known to the plaintiff as such holder at least two weeks before the day named in the appointment, directed to the post office address of such claimant where the same is known, and if not known then to his last known address. 54 V. c. 52, s. 16.

Appointment to be mailed to lienholders.

25.—(1) Upon the day named in the said appointment and advertisement the persons served with a copy thereof and all other persons claiming a lien on the said logs or timber who have prior to the said date filed with the Clerk of the Court a notice claiming such lien day named in on the said logs or timber and stating the nature and amount of such claim, shall attend before the Judge named in the appointment and advertisement.

Parties filing notices of disputes or claims to attend on appointment.

(2) Where claims are brought in pursuant to notice they may be established *prima facie* by affidavit, but any party interested shall be at liberty to cross-examine the deponents, and may require that the claim be established in open court as in other cases. 54 V. c. 22, s. 17.

Proof of claims.

26. The Judge shall hear all parties and take all accounts necessary to determine the amounts, if any, due to them or any of them, or of any other holders of liens who may be called by the Judge to prove

Judge to hear all parties, take accounts, etc.

their lien, and shall tax to them their costs, and determine by whom the same shall be payable, and settle their priorities and generally determine all such matters as may be necessary for the adjustment of the rights of the several parties. 54 V. c. 22, s. 18.

Order to be made by Judge at conclusion of enquiry.

27. At the conclusion of the enquiry the Judge shall make his report and order, which shall state his findings and direct the payment into the Court in which proceedings are pending of the amounts, if any, so found due and the costs, within ten days thereafter and in default of such payment that the logs or timber shall be sold by the sheriff or bailiff, for the satisfaction of the amounts found due to the several parties upon the enquiry and costs. 54 V. c. 22, s. 19.

In default of payment into court logs or timber to be sold.

28.—(1) In default of payment into court under the preceding section within the time named in the order therefor, the said logs or timber shall within twenty days thereafter be sold by the Sheriff or Bailiff holding the same in the same manner and subject to the same provisions of law as goods seized or taken in execution, unless the Judge shall direct that additional publicity be given to the sale, and the amount realized by such sale shall, after deducting the expenses thereof payable to the sheriff or bailiff, be paid into the Court in which the proceedings are pending, and shall, upon the application of the several parties found to be entitled thereto under the order of the Judge be paid out to them by the Clerk of the said Court.

Judge to apportion.

(2) Provided where the amount realized upon the sale shall not be sufficient to pay the claims in full and costs, the Judge shall apportion the amount realized pro rata among the different claimants. 54 V. c. 22, s. 20.

Certificate of balance due after distribution to be entered as a judgment.

29. If after such sale and distribution of the proceeds thereof under the preceding section any balance shall remain due to any person under the said order of the Judge the Clerk of the Court shall upon application of such person give to him a certificate that such amount remains due, which certificate may be entered as a judgment in the District or Division Court having jurisdiction, against the person or persons by whom the claim was directed to be paid, and execution may be issued thereupon as in the case of other judgments in the District or Division Courts. 54 V. c. 22, s. 21.

Where nothing found due on enquiry, lien to be discharged.

30. Where nothing shall be found due upon the several claims filed under section 25 of this Act or upon the lien or liens with respect to which proceedings have been taken, the Judge may direct by his said order that the lien or liens be discharged and the logs or timber released or the security given therefor delivered up and cancelled, and shall also by such order direct payment forthwith of any costs which may be found due to the defendant or the owner of the said logs or timber. 54 V. c. 22, s. 22.

Costs.

31.—(1) Where the taxed costs, exclusive of necessary disbursements, of the proceedings to enforce any lien under this Act which are payable out of the amount realized by the proceedings for the satisfaction of the lien shall exceed twenty-five per cent. of the amount so realized such costs upon application by any party to the proceedings interested in the payment thereof, may be reduced by the Judge, so

that the same shall not in the aggregate exceed the said twenty-five per cent. and no more costs than such reduced amount shall be recovered between party and party or solicitor and client.

(2) The costs in addition to actual and necessary disbursements which may be taxed to any claimant proving an uncontested claim under this Act, shall not exceed the sum of five dollars (if a solicitor is employed), and where the amount claimed is within the jurisdiction of the Division Court shall not exceed two dollars (where a solicitor is employed). In case of a contest (where a solicitor is employed) such additional costs, if any, as the Judge may allow to be taxed upon the scale of the District Court or Division Court according as the amount in dispute is within the jurisdiction of the one or the other of these Courts, but in no case shall such costs exceed ten dollars, exclusive of disbursements, when taxed on the District Court scale, or five dollars, exclusive of disbursements, when taxed on the Division Court scale, but where the claim does not exceed \$50, then such costs shall not exceed three dollars.

(3) Subject to the provisions of this section, the costs to be taxed to any party shall, as far as possible, be according to the tariff of costs in force as to other proceedings in the Court in which proceedings under this Act have been taken. 54 V. c. 22, s. 23.

32.—(1) Where more money shall be paid into court as the proceeds of the sale of logs or timber than shall be required to satisfy the liens which shall be proved and interest and costs, if any creditor or creditors shall after the payment of such liens give to the Judge a notice that he is a creditor and seeks payment of his claim out of said moneys, the Judge shall, upon application of any such creditor, direct that such remaining moneys shall be paid over to the Sheriff of the district, who shall hold and distribute the same as in the case of moneys realized and held by him under *The Creditors' Relief Act*, and all parties having claims may take the like proceedings as these provided by section 7 and subsequent sections of *The Creditors' Relief Act* for proof of claims and obtaining certificates and executions therefor.

Disposition of balance after sale and satisfaction of liens.

Rev. Stat. c. 78.

(2) In case no such notice is given to the Judge within thirty days after the day fixed by the order for payment over to the claimants of the amount of their lien and costs, the Judge may order the payment out of Court of any remaining moneys to the party entitled to the same. 54 V. c. 22, s. 24.

33. Any person affected by proceedings taken under this Act may apply to the Judge to dismiss the same for want of due prosecution, and the Judge may make such order upon the application, and as to costs or otherwise, as may be just. 54 V. c. 22, s. 25 (1).

Dismissal of proceedings for want of prosecution.

34. The Judge may at any stage of the proceedings, on application of any party, or as he may see fit, order that any person who may be deemed a necessary party to any such proceeding, be added as a party thereto, or be served with any process or notice provided for by this Act, and the Judge may make such order as to the costs of adding such person or corporation, or as to such service as may be just. 54 V. c. 22, s. 25 (2).

Adding parties.

35. Nothing in this Act contained shall be deemed to disentitle any person to any other remedy to which he may be entitled for the

Other remedies not affected.

recovery of any amount due in respect of labour, service or services performed upon or in connection with any logs or timber and where a suit is brought to enforce a lien, but no lien shall be found to exist in respect of the claim, judgment may be directed for the amount found due as in an ordinary action. 54 V. c. 22, s. 26.

Any number of lien holders may join in proceedings.

36. Any number of lien holders may join in taking proceedings under this Act, or may assign their claims to any one or more persons, but the statement of claim to be filed under section 6 shall include particular statements of the several claims of persons so joining, and shall be verified by the affidavits of the persons so joining, or separate statements of claim may be filed and verified as by this Act provided, and one attachment issued on behalf of all the persons so joining. 54 V. c. 22, s. 27.

Transfer of suit from Division Court in case proceedings taken in District Court.

37. Where proceedings have been commenced under this Act in the District Court, and proceedings are thereafter brought or are pending against the same logs or timber, or any part of them, in a Division Court, the Judge of the District Court may order the proceedings in the Division Court to be adjourned before him, and shall in his enquiry as hereinbefore mentioned include the claims in respect of which proceedings are pending in the Division Court, and thereafter all persons who shall have filed claims in the Division Court shall be entitled to prove such claims and to share in the benefits of the proceedings in the District Court. 54 V. c. 22, s. 28.

Where suits in several Courts.

38. Where suits are brought in several District Courts or in several Division Courts, the procedure under sections 24, 25, 26 and 27 shall be had in the District or Division Court, as the case may be, out of which an execution or attachment first issued, unless the Judge of such Court shall otherwise order. 54 V. c. 22, s. 29.

Practice.

39. The rules of procedure regulating the practice in actions brought in the District Courts or in Division Courts, in the said districts and provisional county, shall, so far as they are not inconsistent with this Act, regulate proceedings taken under this Act. 54 V. c. 22, s. 30.

Liability for loss occasioned by improper seizure.

40. Any person who shall unlawfully and maliciously, and without reasonable or probable cause, take, or cause to be taken proceedings under this Act by which any logs or timber shall be seized, detained or sold, shall be liable therefor, in an action at the suit of any person aggrieved thereby, and shall be liable for all loss and damage occasioned by such seizure to such person, by reason of such logs or timber breaking away or being scattered or lost, or otherwise. 59 V. c. 36, s. 4 (2); 60 V. c. 15 Sched. A. (78).

Illegal payments.

41. No payment of wages shall be made or offered to any person for any labour or services performed upon or in connection with any logs or timber, in the said districts and provisional county by any cheque, order, I.O.U., bill of exchange, promissory note, or other undertaking, other than a bank note or bill, drawn upon or payable at or within any place or locality not within the Province of Ontario. 54 V. c. 22, s. 31; 59 V. c. 36, s. 1.

42. Any person violating, or who shall direct or knowingly suffer Penalties. his agent or servant to violate the provisions of section 41 of this Act, shall, upon conviction thereof, be liable to a penalty of not less than \$5 and not more than \$20, to be recovered by summary proceedings before a Stipendiary or Police Magistrate or Justice of the Peace, under *The Ontario Summary Convictions Act.* 54 V. c. 22, s. 32. Rev. Stat. c. 90.

43. No payment made or offered to be made in violation of section 41 of this Act, shall be allowed as a defence in any action or proceeding for the recovery of wages, or be receivable in evidence thereon, nor shall any such payment or offer of payment in any way affect any claim of lien for labour or services on logs or timber under this Act, but in case of the sale, or transfer of such paper, writing or instrument, in whole or in part by the payee, the consideration received by him shall be held and treated as payment on account. 54 V. c. 22, s. 33. Illegal payments not to be allowed as a defence in any action.

SCHEDULE.

(Sections 6 and 7.)

STATEMENT OF CLAIM OF LIEN.

A. B., (name of claimant) of (state residence of claimant), (if claim made as assignee then say as assignee of giving name and address of assignor) under "The Woodman's Lien for Wages Act," claims a lien upon certain logs or timber of (here state the name and residence of the owner of logs or timber upon which the lien is claimed if known) upon the logs or timber composed of (state the kinds of logs and timber such as pine, sawlogs, cedar or other posts or railway ties, shingle bolts or staves, etc., also where situate at time of filing of statement) in respect of the following work, that is to say, (here give a short description of the work done for which the lien is claimed) which work was done for (here state the name and residence of the person upon whose credit the work was done) between the day of and the day of at (per month or day as the case may be.)

The amount claimed as due (or to become due) is the sum of (when credit has been given, the said work was done on credit, and the period of credit will expire on the day of).

Dated at this day of A.D.

(Signature of Claimant)

AFFIDAVIT TO BE ATTACHED TO STATEMENT OF CLAIM.

(Section 6, sub-s. 1.)

I make oath and say that I have read (or have heard read) the foregoing statement of claim, and I say that the facts therein set forth are, to the best of my knowledge and belief true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all sums of money, goods or merchandise to which the said (naming the debtor) is entitled to credit as against me.

Sworn before me at in the district of }
of this day of A.D., 18 }

A Commissioner.

54 V. c. 22, Sched.

LABOUR ON PUBLIC WORKS.

R. S. O, 1897, CAP. 155.

An Act to secure payment of Wages for Labour performed in the construction of Public Works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Payment of wages of employees of contractors or sub-contractors out of securities held by Crown.

1. In case a contractor for the construction of a public work let under contract with Her Majesty, or a member of the Executive Council for Ontario acting for and on behalf of Her Majesty, or any sub-contractor in the construction of any such public work, makes default in the payment of the wages of any foreman, workman or labourer employed on the work, or in payment of any sum due by the contractor or sub-contractor for labour done by such foreman, workman or labourer, or by any team employed on the work, if the claim for such wages or sum is filed in the office of the member of the Executive Council entering into the contract for and on behalf of Her Majesty, or having the supervision of the execution of the contract where the same is made with Her Majesty not later than two months after the same becomes due, and satisfactory proof thereof is furnished to him, he may cause such claim to be paid to the extent of any moneys or securities at the time of the filing of the said claim in the hands of the Crown for securing the performance of the contract. 59 V. c. 37, s. 1; 60 V. c. 15, Sched. A (79).

List of employees, etc., to be furnished when required.

2. The said member of the Executive Council, may, in writing, require every or any contractor or sub-contractor for the construction of any public work, to file in the office of the said member of the Executive Council of Ontario, not later than the fifteenth day of each month, a list showing the names, rate of wages, amounts paid and amounts due and unpaid for wages or labour done by any foreman, workman, labourer or team employed by the contractor or sub-contractor during the previous month, and such list shall be attested upon oath or statutory declaration of the contractor or sub-contractor or his authorized agent. 59 V. c. 37, s. 2.

Failure to furnish list.

Penalty.

3. Every contractor or sub-contractor aforesaid, who having received such demand, makes default in forwarding such list in accordance with the provisions of the next preceding section, shall incur a penalty not exceeding \$100 and not less than \$10 for every day during which default continues, and the amount of such penalty, within the above limits, shall be determined by the member of the Executive Council under whom the work is being executed, and may be deducted out of moneys in the hands of the Crown deposited by or owing to such contractor and shall be vested in Her Majesty. 59 V. c. 37, s. 3.

4. When default is made by a sub-contractor in furnishing such list, the penalty for such default, hereinbefore provided, may be recovered, with costs, at the suit of the Crown in any Court of competent jurisdiction. 59 V. c. 37, s. 4.

5. Where any subsidy, advance, loan or bonus of money is authorized by the Legislature to be granted to any company or person towards the construction of any railway or other work it shall in the absence of special provision by the Legislature to the contrary, be deemed a condition of the grant that so much of the money may be retained as the Lieutenant-Governor in Council may think proper to secure the payment of claims for wages of persons employed on such railway or other work whether by such company or by any contractor or sub-contractor, or for sums due or to become due for labour of persons or teams so employed, and in the event of any such claim for such wages or for any sum remaining unpaid for thirty days after notice thereof has been served upon such member of the Executive Council as may be charged with the duty of seeing that the conditions upon which such aid is granted and the provisions of the Act of the Legislature respecting the same are duly carried out, the Lieutenant-Governor in Council may, on being satisfied that such claim is due and unpaid, direct that it be paid together with all proper costs and charges in connection therewith out of any moneys so retained. 59 V. c. 37, s. 5.

6. Every company incorporated on or after the 7th day of April, 1896, under any general or special Act of the Legislature shall be liable for the payment of the wages of all foremen, workmen, labourers or teams employed in the construction of any work in the Province by or for the company, whether directly under the company or through the intervention of any contractor or sub-contractor, provided that nothing herein contained shall be construed in any way to prejudice or affect the right of any such workman against any such contractor or sub-contractor under any other Act or law in force in the Province. 59 V. c. 37, s. 6.

7. In case default is made by any contractor or sub-contractor in payment of the wages of any such foreman, workman or labourer, a notice stating the name of the claimant and the amount of wages claimed, shall be served upon the company by or on behalf of the claimant not later than two months after such wages are payable, and in default of such notice the liability imposed by section 6 of this Act shall cease. The said notice and any summons, notice, order or other process required to be served upon the company in the prosecution of an action under section 6 of this Act may be served upon the president, vice-president, secretary, managing director, superintendent or engineer, or any recognized officer representing the company or by leaving the same with any adult person at the office or usual place of abode of any of them. 59 V. c. 37, s. 7.

8. This Act shall apply to contracts heretofore entered into, and to subsidies or bonuses heretofore authorized by the Legislature, as well as to contracts hereafter entered into and subsidies and bonuses hereafter authorized, but without prejudice to the claims of other persons who may, before the said 7th day of April, 1896, have acquired liens on the contract money or on the subsidies or bonuses aforesaid. 59 V. c. 37, s. 8.

WAGES.

R. S. O. 1897, Cap. 156.

An Act respecting Wages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Application of Act. **1.** This Act shall apply to wages or salary whether the employment in respect of which the same shall be payable, be by the day, by the week, by the job or piece or otherwise. R.S.O. 1887, c. 127, s. 4.

Wages or salaries to have priority in assignment for benefit of creditors. **2.** Whenever an assignment is made of any real or personal property for the general benefit of creditors, the assignee shall pay in priority to the claims of the ordinary or general creditors of the person making the same, the wages or salary of all persons in the employment of such person at the time of the making of such assignment, or within one month before the making thereof, not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors for the residue, if any, of their claims. R.S.O. 1887, c. 127, s. 1.

And in winding up proceedings under Rev. Stat. c. 222. **3.** In distributing the assets of a company under the provision of *The Joint Stock Companies' Winding-up Act*, the liquidator shall pay in priority to the claims of the ordinary or general creditors of the company the wages or salary of all persons in the employment of the company at the time of the making of the winding-up order, or within one month before the making thereof, not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors of the company for the residue, if any, of their claims. R.S.O. 1887, c. 127, s. 2.

And over execution creditors. **4.** All persons who are at the time of the seizure by the Sheriff, or who within one month prior thereto have been in the employment of the execution debtor, and who shall become entitled to share in the distribution of money levied out of the property of a debtor within the meaning of *The Creditors' Relief Act*, shall be entitled to be paid out of such money the wages or salary due to them by the execution debtor, not exceeding three months' wages or salary, in priority to the claims of the other creditors of the execution debtor, and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims. R.S.O. 1887, c. 127, s. 3; 55 V. c. 27, s. 1.

And in case of attachment. **Rev. Stat. c. 79.** **5.** All persons in the employment of an absconding debtor at the time of a seizure by the Sheriff under *The Act respecting Absconding Debtors*, or within one month prior thereto, shall be entitled to be paid out of any moneys realized out of the property of such debtor, by such

Sheriff the wages or salary due to them by the absconding debtor, not exceeding three months' wages or salary, in priority to the claims of the other creditors of the absconding debtor and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims. 55 V. c. 27, s. 2.

6. In the administration of the estate of any person dying on or after the 13th day of April, 1897, any person in the employment of the deceased at the time of his death, or within one month prior thereto, who is entitled to share in the distribution of the estate, shall be entitled to his salary or wages not exceeding three months thereof in priority to the claims of the ordinary or general creditors of the deceased, and such person shall be entitled to rank as an ordinary or general creditor of such deceased person for the residue, if any, of his claim. 60 V. c. 23, ss. 1, 2.

And in administration of estates.

7.—(1) No debt due or accruing to a mechanic, workman, labourer, servant, clerk or employee, for or in respect of his wages or salary, shall be liable to seizure or attachment, unless such debt exceeds the sum of \$25, and then only to the extent of such excess.

Debts due to mechanics, etc. for wages, not to be attached, except excess over \$25.

(2) Nothing in the preceding sub-section contained shall affect or impair the rig it or remedies of any creditor whose debt has been contracted before the first day of October, 1874. R.S.O. 1887, c. 64, s. 8. 1st Oct., 1874.

Saving clause as to debts created before 1st Oct., 1874.

8. This Act is not intended to apply to an assignment made under the provisions of any Act of the Parliament of Canada relating to or respecting bankruptcy or insolvency. R.S.O. 1887, c. 127, s. 5.

Not to interfere with any Dominion Insolvency Act.

[As to wages payable to employees of contractors for public works, see Cap. 156.]

MASTER AND SERVANT.

R. S. O. 1897, Cap 157.

An Act respecting Master and Servant.

SLAVERY PROHIBITED, s. 1.
LIMITATION OF VOLUNTARY CONTRACTS OF SERVICE, s. 2.
PARTICIPATION OF WORKMEN IN PROFITS OF BUSINESS, ss. 3, 4.
WRITTEN OR VERBAL AGREEMENTS AS TO SERVICE TO BE BINDING, s. 5.
OFFENCES AND PENALTIES:—
Detention in pledge of servants' wearing apparel, s. 6.
ADJUSTMENT OF DISPUTES, s. 7.

AGREEMENTS MADE WITH RESIDENTS OUT OF CANADA FOR SERVICE IN ONTARIO, s. 8.
SUMMARY PROCEEDINGS BEFORE JUSTICES OF THE PEACE, ss. 9-16.
SERVICE OF SUMMONS, ETC., s. 17.
APPEALS, ss. 18-23.
AGREEMENTS WAIVING ACT VOID, s. 24.
NON-APPLICATION OF CERTAIN SECTIONS, s. 25.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SLAVERY PROHIBITED.

Slavery prohibited.

1. The Lieutenant-Governor shall not grant a license for the importation of any negro or other person to be subjected to the condition of a slave, or to a bounden involuntary service for life, into any part of the Province of Ontario; nor shall any negro, or other person, who comes or is brought into this Province, be subject to the condition of a slave, or to such service as aforesaid within the same. R.S.O. 1887, c. 139, s. 1.

MASTER AND SERVANT.

No voluntary contract of service or indentures to be binding longer than nine years.

2. No voluntary contract of service or indentures entered into by any parties shall be binding on them, or either of them for a longer time than a term of nine years from the day of the date of such contract. R. S. O. 1887, c. 139, s. 2.

Agreements by which workmen, etc., may share in the profits of the business.

3. It shall be lawful in any trade, calling, business or employment for an agreement to be entered into between the workman, servant or other person employed, and the master or employer, by which agreement a defined share in the annual or other net profits or proceeds of the trade or business carried on by such master or employer, may be allotted and paid to such workman, servant or person employed, in lieu of or in addition to his salary, wages, or other remuneration; and such agreement shall not create any relation in the nature of partnership, or any rights or liabilities of co-partners, any rule of law to the contrary notwithstanding; and any person in whose favour such agreement is made, shall have no right to examine into the accounts, or interfere in any way in the managements or concerns of the trade, calling or business in which he is employed under the said agreement or otherwise; and any periodical or other statement or return by the employer of the net profits or proceeds of the said trade, calling, business, or employment, on which he declares and appropriates the share of profits payable under the said agreement, shall be final and conclusive between the parties thereto and all persons claiming under them respectively, and shall not be impeachable upon any ground whatever. R.S.O. 1887, c. 139, s. 3.

Certain agreements within this Act.

4. Every agreement of the nature mentioned in the last preceding section shall be deemed to be within the provisions of this Act, unless it purports to be excepted therefrom, or this may otherwise be inferred. R.S.O. 1887, c. 139, s. 4.

Verbal as well as written agreements between master and servant to be binding.

5. All agreements or bargains, verbal or written, between masters and journeymen, or skilled labourers in any trade, calling or craft, or between masters and servants or labourers, for the performance of any duties or service of whatsoever nature, shall, whether the performance has been entered upon or not, be binding on each party for the due fulfilment thereof; but a verbal agreement shall not exceed the term of one year. R. S. O. 1887, c. 139, s. 5.

6. No tavern keeper or boarding-house keeper shall keep the wear- Tavern keep-
ing apparel of any servant or labourer in pledge for any expenses in- ers, etc., not
curred to a greater amount than \$6, and on payment or tender of such keep wear-
sum, or of any less sum due, such wearing apparel shall be immediately ing apparel of
given up, whatever be the amount due by such servant or labourer; but servant in
this is not to apply to other property of the servant or labourer. R.S. \$6.
O. 1887, c. 139, s. 6.

7. If after the termination of an engagement between master and How certain
servant, any dispute arises between them in respect of the term of differences be-
such engagement or of any matter appertaining to it, the Justice or tween master
Justices of the Peace who receive the complaint shall be bound to and servant
decide the matter, in accordance with the provisions of this Act, and are to be
as though the engagement between the parties still subsisted; but decided.
proceeding be taken within one month after the engagement has Proviso.
ceased. R. S. O. 1887, c. 139, s. 7.

8.—(1) Any agreement or bargain, verbal or written, express or Agreements
implied, which may be made between any person and any other made with
person not a resident of Canada, for the performance of labour or residents out
service, or having reference to the performance of labour or service of Canada for
by such other person in the Province of Ontario, and made as afore- service in
said, previous to the migration or coming into Canada, of such other Ontario to be
person whose labour or service is contracted for, shall be void and of void.
no effect, as against the person only so migrating or coming.

(2) Nothing in this section shall be so construed as to prevent any Exception.
person from engaging under contract or agreement skilled workmen,
not resident in Canada, to perform labour in Ontario in or upon any
new industry not at present established in Ontario, or any industry at
present established if skilled labour for the purpose of the industry
cannot be otherwise obtained; nor shall the provisions of this section
apply to teachers, professional actors, artists, lecturers, or singers.
R. S. O. 1887, c. 139, s. 8.

SUMMARY PROCEEDINGS BEFORE JUSTICES.

9. Any one or more of Her Majesty's Justices of the Peace may Duties of Jus-
receive the complaints upon oath of parties complaining of any con- tices of the
travention of the preceding provisions of this Act, and may cause all Peace on re-
parties concerned to appear before him or them, and shall hear and ceiving com-
plaints.
determine the complaint in a summary and expeditious manner.
R. S. O. 1887, c. 139, s. 9.

10. Complaints against any person under this Act may be prose- Complaints
cuted and determined in any county or district in which the person may be in any
complained against is found, or, except when the complaint is made by County.
a foreman, manager, officer or other person whose wages are more than
\$3 a day, in any county or district in which the person complained
against carries on business. R. S. O. 1887, c. 139, s. 11; 59 V. c. 38,
s. 2.

11. Any one or more of the Justices, upon oath of such servant or Complaints by
labourer against his master or employer concerning any non-payment servants
of wages, may summon the master or employer to appear before him or for non-pay-
ment of wages.
them at a reasonable time to be stated in the summons, and he or they or

some other Justice or Justices shall, upon proof on oath of the personal service of the summons, or upon proof of its service as is hereinafter authorized, examine into the matter of the complaint, whether the master or employer appears or not, and upon due proof of the cause of complaint, the Justice or Justices may discharge the servant or labourer from the service or employment of the master, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$40, and the Justice or Justices shall make such order for payment of the said wages as to him or them seems just and reasonable, with costs, and in case of the non-payment of the same together with the costs for the space of eight days after such order has been made, the Justice or Justices shall issue his or their warrant of distress for the levying of the wages, together with the costs of conviction and of the distress. R. S. O. 1887, c. 139, s. 12; 54 V. c. 24, s. 1; 59 V. c. 38, s. 6.

Time within
which pro-
ceedings may
be taken.
Work done in
Ontario under
verbal
agreement
made out of
Ontario.

12. Proceedings may be taken under this Act within one month after the engagement or employment has ceased, or within one month after the last instalment of wages under the agreement of hiring has become due, whichever shall last happen; and proceedings under section 11 may be had for non-payment of wages in respect of service or labour performed in Ontario upon a verbal agreement or bargain made out of Ontario. R. S. O. 1887, c. 139, s. 13.

Proceedings
before a Police
Magistrate.

13. Where the proceedings are taken before a Police Magistrate, and payment of wages is ordered by him to be made by the master or employer to the servant or labourer, and the same are not paid within the time limited by the order, the same proceedings may be taken by the person claiming the benefit of the order as may be taken by a party having an unsatisfied judgment or order in a Division Court for the payment of any debt, damages or costs, as respects the examination of the judgment debtor touching his estate and effects, the means he has of discharging his liability, and the disposal he has made of any property, and the Police Magistrate shall have the like power and authority to enforce payment of the debt as are possessed by the Division Court Judge in like cases; and the practice and proceedings thereon shall be the same as nearly as may be and have the same effect as provided in *Rev. Stat., c. 60 ss. 243, 254. The Division Courts Act* with respect to judgment debtors. 52 V. c. 22, s. 1.

Limit of time
for payment.

14. Subject to section 16 in the case of a city Police Magistrate, the Police Magistrate, if he thinks fit, may name in the order for payment of wages, such time not exceeding 21 days, as to him may seem just and reasonable for the payment of the same and costs; and in case of non-payment within such time the complainant shall be entitled to take forthwith the proceedings for enforcing payment herein provided. 52 V. c. 22, s. 2.

Jurisdiction
of Police
Magistrate in
cities.

Rev. Stat.
c. 153.

15.—(1) In the case of wages due to any mechanic, labourer or other person in respect of work of the character mentioned in section 4 of *The Mechanics' and Wage-Earners' Lien Act*, the jurisdiction of a Police Magistrate in a city under this Act shall extend to wages for thirty days, or for a balance equal to the wages for thirty days, though the same or the balance thereof exceed the sum of \$40 in section 11 mentioned.

(2) Where no specific rate of wages has been expressly agreed to between the parties, the city Police Magistrate aforesaid may order payment of the wages, reckoning the amount thereof according to the current rate of wages in the city in like cases, or according to what may appear to be a just and reasonable allowance. Where no specific rate of wages agreed on.

(3) In case the master or employer claims a set-off, the Police Magistrate shall investigate the set-off and give judgment for the balance of wages, if any, due to the claimant, after deducting such set-off. The Police Magistrate shall not have jurisdiction to adjudicate upon a claim of set-off exceeding the claim for wages, except to the extent of the wages. When master claims set-off. 59 V. c. 38, s. 10.

16—(1) Any order of a city Police Magistrate for the payment of such wages as aforesaid shall be payable forthwith, and a warrant of distress shall be issued accordingly, unless the master makes oath, and the Police Magistrate believes, that the master is unable to make the payment forthwith, and expects to be able to pay and intends to pay the same within the time given, and unless also the Police Magistrate considers the proposed delay to be under all the circumstances reasonable. The Magistrate, if he sees fit, may order security to be given as a condition of delay. Order for payment of wages enforcing.

(2) In case of an adjournment at the instance of the master, the adjournment shall be on payment then and there for the claimant's time in attending the court (the amount to be fixed by the Police Magistrate) unless the Magistrate sees reason for dispensing with such immediate payment. Adjournment at instance of master.

(3) In any case under this or the next preceding section the order of a Police Magistrate shall be subject to appeal as the decision of a Division Court Judge would in a like case be subject to appeal.

(4) The Order of the Police magistrate for payment may be filed in that Division Court which would be the proper court for bringing an action for the wages, and on such filing the order shall thereby become a judgment of the said Division Court, and may be treated in all respects and enforced as a judgment of the said Court. Order of Police Magistrate may be enforced in Division Court. 59 V. c. 38, s. 11.

17.—(1) Every summons issued under this Act against an individual, firm or corporation not having his or their chief place of business within the Province, and every subsequent paper or proceeding in the action or proceeding in which the summons has been issued may be served (except in the case provided for by sub-section 2) upon the person or persons to whom it is directed either by delivering it to him or them personally, or if such person or persons cannot conveniently be found, by leaving the same for him or them at any place where such individual, firm or corporation carries on business within the county or district in which the Justice of the Peace issuing the summons has jurisdiction, with some adult person employed in the office or place of business of such person or persons. Service of summons, etc. 59 V. c. 38, s. 4.

(2) In cases against railroad, telegraph, telephone and express companies every such summons and other papers may be served on any agent of the company whose office or place of business as such agent is within such county or district; and for the purposes of this section the word "agent" shall be held to include:— Service on certain public companies.

(a) In the case of a railway company, a station master having charge of a station belonging to the railway company ;

(b) In the case of a telegraph company, a person having charge of a telegraph office belonging to the telegraph company ;

(c) In the case of a telephone company, a person having charge of a telephone office belonging to the telephone company ; and

(d) In the case of an express company, a person having charge of an express office belonging to the express company, 59 V. c. 38, s. 5.

Effect of service under this section.

(3) Service performed as authorized by this section shall be deemed equal to and have the same effect as personal service. 59 V. c. 38, s. 6 ; 60 V. c. 3, s. 3.

APPEALS.

Mode of appeal.

18. All appeals from or against any conviction or order for the payment of wages, or any order of dismissal from service or employment or against any decision of any Justice or Justices under this Act shall be made to the Division Court, held in the division in which the cause of action arose, or in which the party or parties complained against, or one of them, resided at the time of the making of the complaint, or (except in the case of a complaint by any person mentioned in section 25) to the Division Court holden in the division in which the party or parties complained against, or one of them, carried on business, and in case of dismissal of the appeal or affirmance of the conviction, order or decision, the Court appealed to shall order and adjudge the offender to be punished according to the conviction, or shall enforce the order for payment of wages or of dismissal, as the case may be, and for the payment of the costs awarded, and shall, if necessary, issue process for carrying such judgment into effect. R. S. O. 1887, c. 139, s. 14 ; 59 V. c. 38, ss. 7 and 12.

Notice of appeal.

19. The person proposing to appeal shall give to the opposite party a notice in writing of his appeal, and of the cause or matter thereof, within four days after such conviction, order, decision or judgment, and eight days, at least, before the holding of the Court at which the appeal is to be heard, and shall also, within the four days, enter into a bond to the opposite party with two sufficient sureties—to be approved of by the clerk of the Court—in the penal sum of \$100, conditioned personally to appear at the said Court and try the appeal and to abide the judgment of the Court thereon, and to pay such costs as shall be by the Court awarded, and upon the notice being served and bond executed and filed with the clerk, all proceedings on the order, conviction or decision appealed against shall be stayed until the determination of the appeal. R. S. O. 1887, c. 139, s. 15.

Bond on appeal.

20. Except in the case of a complaint by any person mentioned in section 25, it shall not be necessary for the appellant to enter into or join in an appeal bond to the opposite party, but a bond shall be sufficient if executed by two sufficient sureties only, and approved of by the clerk of the court, in the penal sum of one hundred dollars, conditioned to the effect by section 19 of this Act provided. 59 V. c. 38, s. 9.

Case to be entered by clerk.

21.—(1) The clerk shall, on the bond and notice of appeal with an affidavit of service thereof being filed in his office, enter the cause in his procedure book, and the appeal may be tried with a jury if the

appellant files with the clerk at the time of filing the bond a notice requiring a jury, or if the respondent, within four days after the service of the notice of appeal upon him, files a notice with the clerk, requiring a jury, and if the proper fees are, in either case, deposited with the clerk; otherwise the Judge may try the appeal without a jury or may summon a jury from the body of the Court as to him seems meet. R. S. O. 1887, c. 139, s. 16.

(2) If at the time of filing a notice requiring a jury, the proper Waiver of jury fees are not deposited with the Clerk by the party filing such right to jury. notice, he shall be deemed to have waived the right to have the appeal tried by a jury. 59 V. c. 38, s. 8 (2).

22. Upon the application of either party to an appeal the Judge, Time and subject to the right of either party to have the same tried by a jury place for hearing appeals. as hereinbefore provided, may try the appeal at such time and place as he may appoint, and upon such notice as to him seems reasonable. 59 V. c. 38, s. 8 (1).

23. In case of the dismissal of the appeal or affirmance of the conviction, order or decision, the Judge may order and adjudge the offender to be punished according to the conviction or order, or he may direct the enforcement of the order for payment of wages or of dismissal, as the case may be, with the payment of the costs awarded, and any order or orders made by him in the premises shall be enforced and carried into execution by the officers of the Court. The Judge may direct execution to issue for the levying of any moneys or costs awarded or ordered to be paid, and in the event of any such moneys or costs being payable by the appellant, which have not been levied under execution against the goods of the appellant, the Judge may order the bond to be delivered up to the respondent, who shall be entitled to recover the amount due him with costs in any Division Court having jurisdiction. R. S. O. 1887, c. 139, s. 17.

AGREEMENTS WAIVING ACT.

24. Every agreement or bargain, verbal or written, express or implied, which has heretofore been made or entered into, or which may hereafter be made or entered into, on the part of any workman, servant, labourer, mechanic, or other person employed in any kind of manual labour intended to be dealt with in this Act whereby it is agreed that this Act shall not apply, or that the remedies hereby provided shall not be available for the benefit of any person entering into such agreement, is hereby declared to be null and void and of no effect as against any such workman, servant, labourer, mechanic, or other person. 59 V. c. 38, s. 3.

NON-APPLICATION OF CERTAIN SECTIONS.

25. Sections 15, 16, 22 and 24 shall not apply to any foreman, manager, officer or other person whose wages are more than \$3 a day. 59 V. c. 38, s. 12.

Sections 15, 16, 22 and 24 not be applied to certain persons.

TRADE DISPUTES.

R. S. O., 1897, CAP. 158.

An Act respecting Councils of Conciliation and of Arbitration
for settling Industrial Disputes.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
DISPUTES WITHIN THE ACT, s. 3.
REGISTRAR, s. 4.
COUNCIL OF CONCILIATION, s. 5.
PROCEDURE FOR CONCILIATION, ss.
6-13.
COUNCILS OF ARBITRATION, ss. 14-15.
PROCEDURE FOR ARBITRATION, ss.
16-22.

POWERS OF COUNCILS, s. 23.
PROFESSIONAL ASSISTANCE PROHIBITED, s. 24.
PARTIES NOT TO PAY REGISTRAR, s. 25
REMUNERATION OF MEMBERS OF COUNCIL, s. 26.
WITNESS FEES, s. 27.
REGULATIONS AND FORMS, ss. 28, 29.
IRREGULARITIES, s. 30.

Preamble.

WHEREAS there is reason to believe that the establishment of councils of conciliation and arbitration for the friendly settlement of disputes between employers and employees would conduce to the cultivation and maintenance of better relations and more active sympathies between employers and their employees, and would be of benefit in the public interest by providing simple methods for the prevention of strikes and lock-outs, from which industrial operations and the welfare of the country generally may suffer injury ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Ontario Trade Disputes Conciliation and Arbitration Act*," or as "*The Trade Disputes Act*." 57 V. c. 42, s. 1.

Interpretation

2. In this Act, the word "employer" shall mean any person or body of persons, incorporated or unincorporated, employing not less than ten workmen in the same business in which the trade dispute has arisen ;

"Employer,"
"Employee."

the word "employee" shall mean any person in the employment of an employer, as defined by this Act. 57 V. c. 42, s. 2.

Claims and
disputes
within the
Act.

3.—(1) A claim or dispute under this Act shall include any disagreement between any employer and his employees in respect of any of the matters following :—

1. The price to be paid for work done, or in course of being done, whether such disagreement shall have arisen with respect to wages, or to the hours or times of working ;
2. Damage alleged to have been done to work, delay in finishing the same, not finishing the same in a good and workman-like manner or according to agreement ; or a dispute respecting materials supplied to employees and alleged to be bad, or unfit, or unsuitable ;

3. The price to be paid for mining any mineral or substance mined, or obtained by mining, hewing, quarrying or other process ; or the allowances, if any, to be made for bands, refuse, faults, or other causes whereby the mining of the mineral substance is impeded ;
4. The performance or non-performance of any stipulation or matter alleged to have been in an agreement, whether in writing or not ;
5. Insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind ;
6. Ill-ventilated or dangerous workings or places in mines, or unwholesome or insanitary rooms or other places of accommodation, in which work is being performed, or want of necessary conveniences in connection with such rooms or places ;
7. The dismissal or employment under agreement of any employee or number of employees ;
8. The dismissal of an employee or employees for their connection with any trade or labour organization ;

(2) No claim or dispute shall be the subject of conciliation or arbitration under this Act in any case in which the employees affected by such claim or dispute shall be fewer in number than ten. 57 V. c. 42, s. 3.

4.—(1) The Lieutenant-Governor is hereby authorized to appoint a Office of suitable person to act as Registrar of Councils of Conciliation and of Registrar. Arbitration for the settlement of industrial disputes. Such office shall be assigned to some person performing other duties in the public service, unless and until the duties are so onerous as to require a separate appointment.

(2) It shall be the duty of the Registrar to receive and register, Duties, etc., and, subject to the provisions of this Act, to deal with all applications of Registrar. by employers or employees or on their behalf for reference to a Council of Conciliation or to the Council of Arbitration, of any dispute or claim within the meaning of this Act ; to convene such councils for the purpose of dealing with any dispute or claim ; to keep a register in which shall be entered the particulars of all references and settlements of disputes and claims made to and by a council of conciliation, and of all references and awards made to and by the council of arbitration ; and generally to do all such things and take all such proceedings as may be required in the performance of his duties under this Act or the regulations made in pursuance thereof.

(3) The Registrar shall have authority to issue all summonses Registrar to (Form P.) to witnesses to attend to give evidence, (with or without summon wit- nesses and the production of papers and documents,) and to issue all notices and issue notices. perform all other acts in connection with the sittings of each such Council in the prescribed manner. 57 V. c. 42, s. 4.

COUNCIL OF CONCILIATION.

5.—(1) A Council of Conciliation for the purpose of any dispute or Councils of claim, shall consist of four conciliators, two to be nominated by each Conciliation. of the parties to the dispute.

- Nomination of conciliators.** (2) The nomination shall be by writing lodged with the registrar.
- Filing nomination papers.** (3) Either party may lodge the nomination papers with the Registrar at any time after the dispute has arisen; and if the Registrar has not already received a nomination of two conciliators on behalf of the other party, he shall give notice to such other party of the nomination which he has received.
- Extraordinary vacancies.** (4) Any vacancy in a Council of Conciliation arising through the death, resignation, or otherwise, of any member thereof shall be filled in the same way as the appointment was first made, namely on the nomination of the party whose conciliator has ceased to be a member of the Council. 57 V. c. 42, s. 5.

PROCEDURE FOR CONCILIATION.

- Reference to council of conciliation.** 6. A dispute or claim within the meaning of this Act may be referred for settlement to a Council of Conciliation in the cases following:—
- Agreement to refer.** 1. Where the parties to the dispute or claim jointly agree in the prescribed manner (Form B.), to refer such dispute or claim for settlement to a Council of Conciliation;
- Application or reference.** 2. Where either party to the dispute or claim in the prescribed manner, lodge an application (Form C.) with the Registrar requesting that the dispute or claim be referred for settlement to a Council of Conciliation. 57 V. c. 42, s. 6.
- Duties of Registrar on application or reference.** 7. The Registrar, on receipt of any such agreement or application for a reference to a Council of Conciliation, shall forthwith lay the same before the Council constituted in the prescribed manner; and subject to the provisions of this Act and the regulations, shall carry out all directions of the said Council given in the endeavour of the Council to effect a settlement of the dispute or claim. 57 V. c. 42, s. 7.
- Representatives before council of conciliation.** 8. Either party to the dispute or claim may, for the purposes of this Act, be represented by one or more persons (not exceeding three) authorized by such party as manager or managers in that behalf; and such party shall be bound by the acts of such representative or representatives. 57 V. c. 42, s. 8.
- When managers must have written authority.** 9. Where the party numbers fewer than twenty, the manager or managers must be authorized in writing (Form D.) signed by the members of the party to act for and on their behalf. 57 V. c. 42, s. 9.
- Election of managers as representatives.** 10. Where the party numbers twenty or more, the manager or managers may be appointed or elected in such manner as the members of the party think proper. A copy of the resolution (if any) electing the managers, together with a declaration by the chairman or president of the meeting (if any) stating it to have been carried, shall be kept as a record of the election. 57 V. c. 42, s. 10.
- Written statement of case.** 11. The parties to the dispute shall, if possible, agree to a joint written statement of their case; but if they do not so agree, a statement in writing from each party shall be made. The statement or statements shall be forwarded to the registrar before the meeting of the Council. 57 V. c. 42, s. 11.

12. When the parties to a dispute or claim have named their conciliators, the Registrar shall by notice in writing (as in Form E in the Schedule hereto,) convene a meeting of the conciliators at a time and place mentioned in the notice, the same being selected with due regard to the general convenience of the conciliators and the parties. 57 V. c. 43, s. 12. ^{Convening meeting of conciliators.}

13.—(1) The Council of Conciliation shall transmit to the Registrar a report setting forth the result of the reference. (Forms F and G.) ^{Report of council.}

(2) In case such report is to the effect that the Council has failed to bring about any settlement or adjustment of the dispute, the Registrar on the receipt of the report, shall transmit a copy (certified by him) to each party to the dispute or claim; whereupon either party may (Forms H and I) require the Registrar to refer the dispute to the Council of Arbitration for settlement. (Form J.) 57 V. c. 42, s. 13. ^{When Council report their failure to bring about settlement.}

THE COUNCILS OF ARBITRATION.

14.—(1) There shall be two Councils of Arbitration, a council of arbitration for the settlement by award in respect of disputes and claims other than between railway companies (including street railway companies) and wage-earners employed in respect of railway construction or traffic on railways; and a Council of Arbitration in respect of the disputes and claims between such railway companies and wage-earners so employed in respect of railway construction or traffic on railways. ^{E-establishment of councils of arbitration.}

(2) Each Council of Arbitration shall consist of three members, one to be appointed by the Lieutenant-Governor on the recommendation of the employees and one to be appointed by him on the recommendation of the employers. ^{Each council to consist of three members.}

(3) The third member of each Council of Arbitration shall be the president of the Council and shall be appointed in manner following, namely; The two members appointed may, within twenty-one days after their appointment, submit (Form A) to the Lieutenant-Governor the name of some impartial person to be appointed by him to the position of president. ^{Appointment of president by agreement.}

(4) In case of the said two members failing so to do, the Lieutenant-Governor shall appoint as President an impartial person not personally connected with or interested in any trade or industry, or in the judgment of the Lieutenant-Governor likely by reason of his former occupation, business vocation or other influence, to be biassed in favour of or against employers or employees. ^{Appointment of president on failure to agree.}

(5) The same person may be President of both Councils.

(6) As soon as practicable after a full Council has been appointed by the Lieutenant-Governor, the names of the members of the Council shall be notified by the Registrar in the *Ontario Gazette*. ^{Council to be gazetted.}

(7) The Lieutenant-Governor may cancel the appointment of any member on the recommendation of the authority by which his appointment was recommended. ^{Cancellation of appointment of member of council.}

(8) The term of office of a member of a Council shall be two years; and at the end of every term of two years, a fresh appointment of members shall be made in manner aforesaid. ^{Term of office.}

Members eligible for re-appointment.

(9) Every member of either Council after the expiry or other termination of his term of office shall be eligible for reappointment for a like term.

When president or members to forfeit office.

(10) If the President of either Council shall be declared a bankrupt or insolvent, or shall make a composition with his creditors, or shall make an assignment of his property or salary for the benefit of his creditors, or if any member of either council shall be convicted of any criminal offence, such President or member respectively shall thereby vacate his office of member.

Vacancies, disabilities, etc.

(11) Any vacancy in either council arising from death, resignation or other cause, shall be filled by the Lieutenant-Governor for the term of office, or the residue of such term (as the case may be), in accordance with the respective methods prescribed by this Act.

Temporary appointment of president.

(12) In case the President of either council is unable to act as such from illness, absence from the Province, or other temporary cause, the Lieutenant-Governor may appoint a person to be acting President of the Council of Arbitration in his place; and such acting President shall have all the powers and perform all the duties conferred by this Act upon the President.

Illness or disability of member of council while reference pending.

(13) If any member of either Council other than the President shall, from illness or from any other disability howsoever arising, be unable to perform the duties of his office in respect to any dispute or claim then pending, the parties thereto may consent, in writing under their respective hands, to the appointment, by the Lieutenant-Governor, of a member named in such writing to act for and in the place of the member during such disability; and if either of the parties refuse such consent, then the Judge of the county in which the matter is situate with respect to which the dispute has arisen may, on notice to the parties of the application to him, make the nomination; and the Lieutenant-Governor may appoint the person so nominated, who shall thereupon be deemed a member of such Council for all purposes relating to such dispute or claim, and to the hearing and determination thereof.

Members of council of conciliation may sit as assessors. Proviso.

(14) Where a dispute has been referred to either Council of Arbitration, the members of the Council of Conciliation may, with the consent in writing (Form M) of both parties to the dispute or claim, sit as assessors upon the reference to the Council of Arbitration; Provided always that no such assessor shall take any part in the reference except as an assessor sitting to inform the Council of Arbitration when called upon to do so.

Remuneration of members of councils.

(15) The members of each Council of Arbitration shall be remunerated for their services in such manner and according to such rate of payment as the Lieutenant-Governor in Council shall appoint, but subject to legislative provision being made therefor. 57 V. c. 42, s. 14.

Mode of appointing arbitrators by employers and employees

15. The following may be the method of ascertaining the recommendation of employers and employees as to the persons to be appointed on their recommendation respectively as members of the Councils of Arbitration respectively :—

Qualification of voters in the interest of employers.

1. For the person to be recommended by the employers every employer in the Province having at least ten persons in his employment shall be entitled to one vote; every organization in the Province,

whether incorporated or unincorporated, representing the interests of employers, each member of which has at least ten persons in his employment, shall be entitled to one vote.

2. Every Board of Trade in the Province legally constituted shall be entitled to one vote for a representative of the employers in each Council.

3. For the person to be recommended by employees as a member of Who may vote the Council of Arbitration in matters not belonging to railways, every for person to trades and labour council, every district assembly of the Knights of be recom- mended in Labour, every federated council of building trades, every lawfully the interest of incorporated trades union, every organization of wage-earners of an employees. industrial calling primarily constituted for, and actually and *bona fide* operated for the regulation of the wages and hours of labour as between employers and employed, shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies formed under the *Revised Statute respecting Co-operative Associations*. Rev. Stat. c. 202.

4. For choosing the person to be recommended by employees of Who may railway companies as a member of the Council of Arbitration in vote for per- matters belonging to railways, every organization in the Province, son to be recommended whether incorporated or unincorporated, exclusively representing the in the interest interest of wage-earners employed in respect of railway construction of railway employees. or traffic on railways shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies.

5. The Registrar shall give notice in the *Ontario Gazette*, calling on Notice to all organizations and persons entitled to vote for a member to be representative recommended to either Council, or claiming to be so entitled, to com- interests. municate with him on or before the 1st day of August, 1898, and every second year thereafter. Such notice is to be inserted for at least four weeks before the said day in each of the said years.

6. The Registrar shall forthwith, after the 1st day of August afore- Lists to be said, prepare a list of the persons and organizations appearing to be prepared. entitled to vote for a person to be recommended for appointment to each of the said Councils respectively, and may refer any doubtful claim to the Minister of Agriculture for his advice or direction.

7. Each list so to be prepared shall give the last known post office address of every person and organization entitled to vote as employers and employees respectively for the said Councils respectively, and shall be published in the *Ontario Gazette*, and shall be open to inspection at any time by any person without fee, in the office of the Registrar during office hours.

8. Between the 1st and 30th days of September, 1898, and between Voting papers the same days of every second year thereafter, the Registrar shall to be transmit by post to the address of each person and organization to persons en- entitled to vote, a voting paper; and such voting paper may be in the titled to vote. following form:—

Voting paper of (naming the person or organization).

A. B. (person recommended) is hereby recommended to be appointed a member of the council of arbitration for disputes between railway companies and their employees (or in matters not relating to railway disputes) under *The Ontario Trade Disputes Conciliation and Arbitration Act*, on behalf of the employers (or employees, as the case may be).

(Signed)

Signing voting papers. 9. The voting paper of any person entitled to vote under this Act as an employer shall be signed by himself or some person duly authorized in writing in that behalf; and the voting paper of any organization entitled to vote shall be signed by the president or vice-president of the organization, or, in the absence of such president or vice-president, by any office bearer of the organization other than the secretary thereof, and shall be countersigned by the secretary or acting secretary, or, in the absence of such secretary or acting secretary, by any two members not being office bearers. The voting papers of a Board of Trade shall be under the corporate seal of the Board.

Addressing voting papers. 10. The voting paper shall be forwarded in a stamped envelope, addressed to the Registrar of Councils of Conciliation and Arbitration, Toronto, and endorsed, "Voting paper under *The Ontario Trade Disputes Conciliation and Arbitration Act*."

When voting papers to be mailed. 11. Every voting paper shall be forwarded by mail or otherwise to the Registrar, so as to be received by him on or before the 15th day of October of the year in which the voting is to be held, and any voting paper received by the Registrar after the said date shall have no effect or validity.

Count of votes and report to be published. 12. The Registrar shall forthwith after the said 15th day of October, count the recommendations as well by or on behalf of employees, as by or on behalf of employers for each Council, and shall forward the same to the Minister of Agriculture, together with the Registrar's report thereon; and the Minister of Agriculture, upon being satisfied of the accuracy of such report, shall publish in the *Ontario Gazette* the result of such recommendations, and the names of the persons appointed by the Lieutenant-Governor upon such recommendations to be members of the Councils of Arbitration; and also the names of, and number of votes to, the five persons who have received the greater number of votes for each Council on behalf of employers and employees respectively. 57 V. c. 42, s. 15 (1-13).

Where parties fail to recommend member of council of arbitration. 13. In case either employers or employees, or both, fail to recommend any person to represent them on either or both the Councils as provided for in this section, the Lieutenant-Governor in Council may appoint a person or persons to fill the vacancy or vacancies. 60 V. c. 25, s. 2.

PROCEDURE FOR ARBITRATION.

Reference to arbitration, how made, etc. 14. Any dispute or claim within the meaning of this Act may be referred to the appropriate Council of Arbitration for its hearing and determination in any of the following cases:—

1. On application as in Form I, in the Schedule hereto, to the Registrar by either party to a dispute or claim which, having been referred to a Council of Conciliation, has not been settled or adjusted by such Council.

2. On application, as in Form H, in the Schedule hereto, to the Registrar by both parties to a dispute or claim within the meaning of this Act, which has not been so referred to a Council of Conciliation.

Proviso. Provided that if in either case the award of the Council of Arbitration is not complied with or carried out by the parties, or for any reason proves abortive, the parties to the reference or either of them shall not thereby be precluded from referring the dispute to a Council

of Conciliation or from making a second reference to the Council of Conciliation where a former reference has already been made to it.

3. If in case of a claim or dispute within the meaning of this Act, When one party has lodged an application with the Registrar requesting that the dispute or claim be referred to a Council of Conciliation, and appointing two conciliators for the purpose, and notice of the application and of the appointment of conciliators has been duly given to the other party, and such other party has not within a reasonable period appointed conciliators, and the party lodging the application has not proceeded to a strike or lock-out, as the case may be, the Council of Arbitration, if it thinks fit, may proceed as in case of an abortive reference to a Council of Conciliation, and such Council may report their decision, as to the proper settlement of the dispute in question and also in case the Council thinks proper, a concise statement as to the origin of the dispute, and the causes inducing the same, and what parties, if any, are in the opinion of the Council mainly responsible for the same. 57 V. c. 42, s. 16.

4. The Mayor of any city or town upon being notified that a strike or lock-out is threatened, or has actually occurred within the municipality, shall at once notify the Registrar thereof by writing, stating the name of the employer, the nature of the dispute, and number of employees involved, as far as his information will enable him so to do. Mayors to notify registrars of strike or lock-out.

5. It shall be the duty of each of the Councils of Arbitration appointed under the said Act upon being notified, or on being otherwise made aware, that a strike or a lock-out has occurred or is threatened, to place itself, as soon as practicable, in communication with the parties concerned and to endeavor by mediation to effect an amicable settlement, and if in the judgment of the council it is deemed best to enquire into the cause or causes of the controversy it shall proceed as provided in this Act in the case of a reference. 60 V. c. 25, s. 3.

17. In every case referred to a Council of Arbitration, or in which the Council has determined to act under the preceding section of this Act the Council shall have power to require, either or each party to the claim or dispute to name not more than three persons, who, upon their consent in writing, (Form O) shall for all purpose of the reference be taken to represent such party. Provisions as to parties and representatives. 57 V. c. 42, s. 17. 60 V. c. 25, s. 6.

18. The Council of Arbitration shall sit and conduct its proceedings as in open court, and in making its decisions shall be governed by the principles of equity and good conscience. The President shall for the purpose of preserving order during any sitting of the Council have all the powers of a Judge of the High Court of Justice, save that he shall not have the power of committing for contempt. Conduct of proceedings of council of arbitration. 57 V. c. 42, s. 18.

19. Any two members of the Council of Arbitration shall constitute a quorum for the transaction of business, and may hold meetings at any time and at any place within the Province of Ontario. Quorum of council of arbitration. 60 V. c. 25, s. 5 (1,2).

20. The Council of Arbitration may order that an examination or investigation shall be held before any one member of the Council, but such member shall report upon such examination or investigation to the Council, and the decision of such member shall not be considered binding until approved by the Council or a majority thereof. Investigation of deputies by one member of board. 60 V. c. 25, s. 5 (3).

Award, how
to be made.

21.—(1) The report or award (Form K) of the Council of Arbitration shall be made within one month after the Council has completed its sittings for the hearing of a reference, and shall be by, and under the hands of, a majority of the members of the Council.

(2) At the request of either party and if the Council of Arbitration approve, a copy of the report or award shall be published by the Registrar in *The Ontario Gazette*.

(3) The report or award, or a copy certified under the hand of the President of said Council, shall be deposited in the office of the Registrar, and shall be open to inspection without charge during office hours. 57 V. c. 42, s. 19.

Award may
be enforced by
legal proceed-
ings if so
agreed.

Rev. Stat.
c. 62.

22. Either party to a reference to either Council of Arbitration at any time before award made, may by writing under the hands of such party (Form L) agree to be bound by the award of the Council upon the reference, in the same manner as parties are bound upon an award made pursuant to an ordinary submission in writing to arbitration under *The Arbitration Act*. Every agreement so to be bound made by one party shall be communicated to the other party by the Registrar, and if such other party also agrees in like manner to be bound by the award, then the award may, on the application of either party, be enforced in the same manner as an award on an ordinary submission in writing to arbitration may be enforced under the said Act. 57 V. c. 42, s. 20.

MISCELLANEOUS PROVISIONS.

Powers of
Councils.

To visit
locality.

Enforcing
attendance of
witnesses.

Rev. Stat.
c. 90.

Taking evi-
dence on oath.

Professional
assistance not
permitted.

Registrars not
to receive fees.

Remuneration
of members of
Council of
Conciliation.

23. For the purposes of this Act, the Councils of Conciliation and Arbitration shall have power—

(a) To visit the locality where the trade dispute has arisen and to hear all persons interested who may come before them.

(b) To summon (Form P) any person to attend as a witness before the Council, and in the case of any person so summoned refusing to attend, application may be made in a summary way to a Justice of the Peace having jurisdiction in the city, town or county wherein the council may be sitting for an order compelling such attendance; and such Justice of the Peace is hereby empowered to make such order as might be made in any case wherein such Justice has power to compel appearance before him in pursuance of *The Ontario Summary Convictions Act*.

(c) To administer an oath or to take the affirmation of any person attending as a witness before the Council, and to examine any such person on oath or affirmation. 57 V. c. 42, s. 21.

24. No party to any proceeding either before a Council of Conciliation or a Council of Arbitration shall be represented by counsel or attorney or by any paid agent other than one or more of the persons between whom the dispute or claim has arisen. 57 V. c. 42, s. 22

25. No fees shall be paid to the Registrar by any party in respect of any proceeding under this Act. 57 V. c. 42, s. 23.

26. Every member of any such Council of Conciliation while engaged in an adjustment of any dispute shall be remunerated for his services as follows:—

Preliminary meetings.....	83
Whole-day sittings.....	84
Half day sittings.....	82

out of any funds which may be provided by the Legislature for that purpose. 57 V. c. 42, s. 24.

27. Witnesses shall be entitled to the same fees as in a Division Witness fees. Court. 57 V. c. 42, s. 25.

28.—(1) The Lieutenant-Governor may make regulations for the Regulations. purpose of giving effect to any of the provisions or requirements of this Act, and all such regulations not being inconsistent with this Act shall have the full effect of law on publication in the *Ontario Gazette*.

(2) Such regulations shall be laid before the Legislative Assembly within fourteen days after being published in the *Ontario Gazette* if the Legislature is in session; and if it is not in session, then such regulations shall be laid before the Assembly within fourteen days from the date of the first day of the ensuing session of the Legislature. 57 V. c. 42, s. 26.

29. The forms in the Schedule hereto or any other forms to the Forms like effect, may be used for the purposes mentioned, with such alter-authorized. ations as the nature of the dispute or claim, the description of the Council to which it is referred, the character of the parties or the circumstances of the case may render necessary. 57 V. c. 42, s. 27.

30. No proceeding under this Act shall be deemed invalid by Informalities reason of any defect of form, or any technical irregularity. 57 V. c. not to invali-
42, s. 28. date proceed-
ings.

SCHEDULE.

FORM A.

(Section 14, Sub-s. 3.)

RECOMMENDATION AS TO PRESIDENT OF THE COUNCIL OF ARBITRATION.

We, the undersigned arbitrators, appointed under the provisions of *The Ontario Trade Disputes Conciliation and Arbitration Act*, submit the name of _____ of _____, as that of an impartial person, qualified for the position of President of the Council of Arbitration as respects railway disputes (or as respects disputes other than railway disputes).

Dated this _____ day of _____

FORM B.

(Section 6.)

AGREEMENT OF BOTH PARTIES TO REFER TO CONCILIATION.

(To be prepared in duplicate)

Memorandum of agreement made this _____ day of _____
A.D. _____, between _____ employers and _____ employees.

Whereas a dispute or claim in respect of matters hereinafter stated has arisen between the parties hereto, the parties hereto do hereby refer the said dispute or claim for settlement to a council of conciliation, and we,

the undersigned, as managers for the said employers, do hereby name and declare _____ and _____ to be conciliators for such employers; and we, the undersigned, as managers for the employees, do hereby name _____ and _____ to be the conciliators for such employees upon such council as aforesaid.

The dispute or claim is as follows (*here state the matter or matters in dispute.*)

Now, we, the parties hereto, do hereby request the Registrar to have the said dispute or claim referred to a council of conciliation consisting of the aforesaid persons.

(*To be signed by the*)

Managers for the Employers.
Managers for the Employees.

Witness :

(*Appointment of Managers to be attached.*)

See Form D.

FORM C.

(Section 6.)

APPLICATION BY ONE PARTY TO REFER TO CONCILIATION.

(*Date.*)

Whereas a dispute or claim, has arisen between _____ employers and _____ employees; we, the undersigned managers for and on behalf of the _____ aforesaid, apply to have the said dispute or claim referred to a council of conciliation, and hereby name and declare _____ of _____ and _____ to be our conciliators upon such council as aforesaid.

The dispute or claim is as follows (*here state the matter or matters in dispute.*)

Managers for

(*Appointment of Managers to be attached.*)

See Form D.

FORM D.

(Section 9.)

AUTHORITY TO MANAGERS TO ACT.

We, the undersigned employers (or employees), one of the parties to the dispute or claim between _____ and _____ authorize _____ of _____ and _____ of _____ to represent us, as managers before the council of conciliation and we hereby agree to be bound by the acts of these our representatives.
Dated this _____ day _____ A.D. 189 _____

(*Where the appointment is made by employees it should be signed by not fewer than ten of such employees.*)

Witness :

FORM E.

(Section 12.)

CONVENING A MEETING OF CONCILIATORS.

(*Date*)

I beg to inform you that you have been selected as a conciliator to deal with a certain dispute or claim between _____, employers and _____ employees.

TRADE DISPUTES.

63

You are requested to attend a meeting of the conciliators in the above matter, to be held on the _____ day of _____ at _____ in the _____ when the application in the said matter will be laid before you.

I have the honor to be

Your obedient servant,

A. B., Registrar.

FORM F.

(Section 13.)

TERMS OF SETTLEMENT OR ADJUSTMENT AFTER REFERENCE TO COUNCIL OF CONCILIATION.

Memorandum of settlement made this _____ day of _____ A.D. _____, between _____, employees and _____, employers and _____ employees.

Whereas a dispute or claim having arisen between _____, employer and _____ employees were appointed conciliators, and the undersigned _____ were appointed managers for the said _____ and the undersigned, _____ were appointed managers for the said _____ it is hereby declared that a settlement or adjustment of the said dispute or claim has been arrived at in the following terms, to which terms the said managers hereby agree for and on behalf of the said parties respectively :

(Insert terms of settlement.)

In Witness whereof we, the undersigned, have hereunto set our hands.

A., B., C., D., Managers for Employers.

E., F., G., H., Managers for Employees.

I., J., K., Conciliators.

FORM G.

(Section 13.)

REPORT BY CONCILIATORS OF FAILURE TO SETTLE.

(Date.)

To the Registrar.

Whereas a certain dispute or claim was referred to us for conciliation by _____, employers and _____ employees, and such conciliation was duly entered upon, the parties aforesaid being duly represented by their respective managers and evidence was taken (omit the latter words if such was not the case), and the dispute or claim referred to us was fully discussed, but no settlement or adjustment was arrived at. Now, we, the conciliators hereinafter subscribed, report that we have been unable to bring about any settlement or adjustment of the dispute or claim so referred, satisfactory to the parties thereto.

A., B., C., D., Conciliators.

FORM H.

(Sections 13 and 16.)

JOINT APPLICATION TO REFER TO THE COUNCIL OF ARBITRATION.

(Date.)

To the Registrar under The Trade Disputes Act.

Whereas a dispute or claim in respect of matters hereinafter stated has arisen between _____, employer and _____ employees.

We, the undersigned, managers for the said employers,
and we, the undersigned, managers for the said employees,
duly appointed to represent the interests of the said parties respectively,
hereby apply to have the said dispute or claim referred to the council of
arbitration.

The dispute or claim is as follows :

(Here state the matter in dispute.)

Managers for Employers.

Managers for Employees.

(Appointment of Managers to be attached.)

See Form D.

FORM I.

(Sections 13 and 16.)

APPLICATION BY ONE PARTY TO REFER TO THE COUNCIL OF ARBITRATION
AFTER FAILURE OF COUNCIL OF CONCILIATION.

(Date.)

To the Registrar under The Trades Disputes Act.

Whereas a dispute or claim having arisen between
employers, and employees, was referred to a
council of conciliation, and the said council failed to settle or adjust the
same; now, therefore, we, the undersigned, being the managers duly
appointed to represent one of the parties to the
said reference, do hereby require you to refer the said dispute or claim to
the council of arbitration.

Managers.

FORM J.

(Section 13, sub-s. 2.)

REFERENCE TO COUNCIL OF ARBITRATION AFTER FAILURE OF COUNCIL
OF CONCILIATION.

(Date.)

To the President of the Council of Arbitration as respects railway disputes
(or as respects disputes other than railway disputes.)

Whereas a certain dispute or claim having arisen between
and the same was referred for conciliation to
and they have reported that they have been unable to bring about any
settlement or adjustment of the said dispute or claim satisfactory to the
parties thereto, and whereas one of the parties to the dispute
or claim, requires such dispute or claim to be referred to the council of
arbitration. Now therefore, I do so refer the said dispute or claim to the
said council, and herewith transmit all the papers in the said reference to
you as president of the said council.

Registrar.

FORM K.

(Section 21.)

FORM OF AWARD

We, President and Arbitrators as respects
railway disputes (or as respects disputes other than railway disputes) (or

TRADE DISPUTES.

65

a majority of the council of arbitration), in the dispute or claim between
 , employers and , employees, do hereby award that

(here set forth the award.)
 Given under our hands this day of A.D. 189 .

(President.)
 (Arbitrators.)

Witness :
 (Registrar.)

FORM L.
 (Section 22.)

AGREEMENT TO BE BOUND BY AWARD.

Memorandum of Agreement made this day of
 A.D. 189 , between and

Whereas certain disputes or claims (*here state shortly the nature of the dispute or claim.*)

have arisen between the parties hereto, and it is desirable to refer the same to the council of arbitration as respects railway disputes (or as respects disputes other than railway disputes) and for the said parties to be bound by the award of the said council of arbitration in the same manner as parties are bound upon an award made pursuant to an ordinary submission in writing to arbitration under "The Arbitration Act"

Now it is hereby agreed by and between the parties aforesaid to refer the said disputes or claims to the award of the said council of arbitration, and each of the said parties agrees with the other to be bound by the award of the said council in the same manner as parties are bound upon an award made pursuant to an ordinary submission in writing to arbitration under "The Arbitration Act."

In Witness Whereof, we, the managers duly appointed and authorized to represent the parties hereto, have hereunto set our hands the day and year above written.

Witness : Managers for Employers.
 Managers for Employees.

FORM M.
 (Section 14, sub-s. 14.)

CONSENT OF PARTIES TO CONCILIATORS BEING ASSESSORS IN COUNCIL OF ARBITRATION.

(Date.)

We, the managers appointed to represent the parties in the matter of the dispute between , employers, and , employees, hereby consent to members of the council of conciliation to which the matter aforesaid was referred, sitting as assessors upon the reference to the council of arbitration.

Managers for Employers.
 Managers for Employees.

FORM O.
 (Section 17.)

CONSENT OF MANAGERS TO ACT BEFORE COUNCIL OF ARBITRATION.

(Date.)

To the Registrar.

Whereas the council of arbitration has required one of the
 parties to a dispute or claim between and referred

to the said Council for award, to name not more than three persons, who, upon their consent in writing, shall for all purposes of the above reference be taken to represent such persons; now we, the undersigned, having been duly named as such persons, do hereby consent to represent the said party for all the purposes of the hereinbefore mentioned reference, and in witness of such consent hereunto set our hands.

(Signed)

Witness:

FORM P.

(Sections 4 and 23).

SUMMONS TO WITNESSES BEFORE EITHER COUNCIL.

To

Whereas a council of conciliation (or the council of arbitration) as respects railway disputes (or as respects disputes other than railway disputes) constituted under *The Ontario Trade Disputes Conciliation and Arbitration Act*, has now before it for conciliation (or arbitration, as the case may be), a dispute or claim between , employers, and , employees; and whereas the said desire that you should attend before the said council as a witness to give evidence, and have authorized and required me as registrar, to issue this summons for your attendance, I do hereby, in exercise of the powers in this behalf given by the said Act, summon and require you to attend at , on , the day of at the hour of , in the noon of the said day, at , before the said council, there to be examined and give evidence as to and concerning the said dispute or claim, and so to attend from day to day thereafter until you have been duly discharged by the said council from further attendance.

[And I further require you to bring with you and produce at the time and place aforesaid (documents, etc, if any, required to be produced by witness.)]

In default of your attending at the time and place aforesaid, you are liable to be proceeded against under the provisions of *The Ontario Trade Disputes Conciliation and Arbitration Act*.

In witness whereof, I, the said , as such Registrar as aforesaid, have hereunto set my hand this day of , in the year of our Lord, 18 .

A. B.,
Registrar.

NOTE.—The witness is entitled to the same witness fees as in a Division Court.

57 V. c. 32, Sched.

WORKMEN'S COMPENSATION FOR INJURIES.

R. S. O., 1897, Cap. 160.

An Act to secure Compensation to Workmen in certain cases.

SHORT TITLE, s. 1.	LIABILITY OF PERSONAL REPRESENTATIVE, s. 11.
INTERPRETATION, s. 2.	DEDUCTION OF PENALTIES FROM COMPENSATION, s. 12.
CLAIMS AGAINST EMPLOYERS, ss. 3, 4.	NOTICE OF INJURY, s. 13.
INJURY BY RAILWAYS, s. 5.	DEFENCE OF WANT OF NOTICE, OR NOT EMPLOYER, s. 14.
COMPENSATION :	PARTICULARS OF DEMAND, s. 15.
Exceptions negating right to recover, s. 6.	APPOINTMENT OF ASSESSORS, ss. 16 24
Limit of amount, s. 7.	CONSOLIDATION OF ACTIONS, ss. 25-30
How compensation may be distributed, s. 8.	ADMISSION BY NOTICE, s. 31.
Limit as to time for recovery, s. 9.	COMPUTATION OF TIME, s. 32.
DEFENCES UNDER AGREEMENTS, s. 10.	FORMS AND RULES, s. 33.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act may be known and cited as "*The Workmen's Compensation Act*." 55 V. c. 30 s. 1.

2. Where the following words occur in this Act, they shall be interpreted in the manner hereinafter mentioned, unless a contrary intention appears:—

1. "Superintendence" shall be construed as meaning such general superintendence over workmen as is exercised by a foreman, or person in a like position to a foreman, whether the person exercising superintendence is or is not ordinarily engaged in manual labour.

2. "Employer" shall include a body of persons corporate or unincorporate, and also the legal personal representatives of a deceased employer, and the person liable to pay compensation under section 4 of this Act. 55 V. c. 30, s. 2 (1, 2).

3. "Workman" does not include a domestic or menial servant or servant in husbandry, gardening or fruit growing, where the personal injury caused to any such servant has been occasioned by or has arisen from or in the usual course of his work or employment as a domestic or menial servant, or as a servant in husbandry, gardening or fruit-growing, but, save as aforesaid, means any railway servant and any person who being a labourer, servant, journeyman, artificer, handicraftsman, miner or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract is

made before or after the passing of this Act, is expressed or implied, oral or in writing, and is a contract of service or a contract personally to execute any work or labour. 56 V. c. 26, s. 1.

"Packing."

4. "Packing" shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where filled in, shall extend to within one and a half inches of the crown of the rails in use on any railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

"Railway servant."

5. "Railway servant" shall mean and include a railway servant, tramway servant, and street railway servant. 55 V. c. 30, s. 2 (4-5).

When workman to have claim against employer.

3. Where personal injury is caused to a workman—

1. By reason of any defect in the condition or arrangement of the ways, works, machinery, plant, buildings or premises connected with, intended for or used in the business of the employer; or

2. By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence; or

3. By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where such injury resulted from his having so conformed; or

4. By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by the employer or by any person delegated with the authority of the employer in that behalf; or

5. By reason of the negligence of any person in the service of the employer who has the charge or control of any points signal, locomotive, engine, machine, or train upon a railway, tramway or street railway;

the workman, or, in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work. 55 V. c. 30, s. 3.

Employer, who to be deemed.

4.—(1) Where the execution of any work is being carried into effect under any contract, and

(a) The person for whom the work, or any part thereof, is done, owns or supplies any ways, works, machinery, plant, buildings, or premises used for the purpose of executing the work: and

(b) By reason of any defect in the condition or arrangement of such ways, works, machinery, plant, buildings or premises, personal injury is caused to any workman employed by the contractor or by any sub-contractor; and

- (c) The defect or the failure to discover or remedy the defect arose from the negligence of the person for whom the work or any part thereof is done, or of some person being in his service and entrusted by him with the duty of seeing that such condition or arrangement is proper;

the person for whom the work, or that part of the work is done shall be liable to pay compensation for the injury as if the workman had been employed by him, and for that purpose shall be deemed to be the employer of the workman within the meaning of this Act. Provided, always, that any such contractor or sub-contractor shall be liable to pay compensation for the injury as if this section had not been enacted, so however that double compensation shall not be recoverable for the same injury.

(2) Nothing in this section contained shall affect any rights or liabilities of the person for whom the work is done and the contractor and sub-contractor (if any) as between themselves. 55 V. c. 30, s. 4.

5. Where within this Province personal injury is caused to a work-^{Injuries}man employed on or about any railway, ^{by railways.}

1. By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members; or,
2. By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being filled in with packing; or,
3. By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, (save only where the space between the heads of any such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and any other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), not being at all times during every month of April, May, June, July, August, September, October and November filled in with packing;

such injury shall be deemed and taken to have been caused by reason of a defect within the meaning of clause numbered 1 of section 3 of this Act, but nothing in this section contained shall be taken or construed, as in any respect, or for any purpose restricting the meaning of the said clause. 55 V. c. 30, s. 5; 60 V. c. 15, Sched. A (57).

6. A workman, or his legal representatives, or any person entitled in case of his death, shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases, that is to say : ^{Exceptions to preceding provisions.}

1. Under clause 1 of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person entrusted by him with the duty of seeing that the condition or arrangement of the ways, works, machinery, plant, building or premises are proper.

2. Under clause 4 of section 3, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned; provided, that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law, either by the Lieutenant-Governor in Council, or under and pursuant to any provision in that behalf of any Act of the Legislature of Ontario, or of the Parliament of Canada, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law.

3. In any case where the workman knew of the defect or negligence which caused his injury, and failed without reasonable excuse to give or cause to be given within a reasonable time, information thereof to the employer or some person superior to himself in the service of his employer, unless he was aware that the employer or such superior already knew of the said defect or negligence. Provided, however, that such workman shall not, by reason only of his continuing in the employment of the employer with knowledge of the defect, negligence, act, or omission, which caused his injury, be deemed to have voluntarily incurred the risk of the injury. 55 V. c. 30, s. 6; 60 V. c. 14, s. 85.

Limit of
amount of
compensation.

7. The amount of compensation recoverable under this Act shall not exceed either such sum as may be found to be equivalent to the estimated earnings, during the three years preceding the injury of a person in the same grade employed during those years in the like employment within this Province, or the sum of fifteen hundred dollars, whichever is larger; and such compensation shall not be subject to any deduction or abatement, by reason, or on account, or in respect of any matter or thing whatsoever, save such as is specially provided for in section 12 of this Act. 55 V. c. 30, s. 7.

Distribution
of compensation.

8. When in any action under this Act compensation is awarded in the case of the death of a workman for an injury sustained by him in the course of his employment, the amount recovered, after deducting the costs not recovered from the defendant may, if the Court or Judge before whom the action is tried so directs, be divided between the wife, or husband, parent and child of the deceased in such shares as the Court or Judge, with or without assessors, as the case may be, or if the action is tried by a jury, as the jury may determine. 55 V. c. 30, s. 8.

Limit of time
for recovery of
compensation

9. Subject to the provisions of sections 13 and 14, an action for the recovery, under this Act, of compensation for an injury shall not be maintainable against the employer of the workman, unless notice that injury has been sustained is given within twelve weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of death; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action,

if the Judge shall be of opinion that there was reasonable excuse for such want of notice. 55 V. c. 30, s. 9.

10. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury, Contract by workman when to constitute a defence to action for compensation.

1. Unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or continued in the employment of the defendant; nor
2. Unless such other consideration was in the opinion of the Court or Judge before whom such action is tried, ample and adequate; nor
3. Unless, in the opinion of the Court or Judge, such contract or agreement, in view of such other considerations was not on the part of the workman, improvident, but was just and reasonable:

and the burden of proof in respect of such other consideration, and of the same being ample and adequate, as aforesaid, and that the contract was just and reasonable and was not improvident as aforesaid, shall, in all cases, rest upon the defendant; Provided always that notwithstanding anything in this section contained, no contract or agreement whatsoever made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury happening or caused by reason of any of the matters mentioned in section 5 of this Act. 55 V. c. 30, s. 10.

11. Notwithstanding anything contained in this Act, an action under section 3, 4 or 5 shall lie against the legal personal representatives of the deceased employer. Liability of personal representatives. 55 V. c. 30, s. 11.

12. There shall be deducted from any compensation awarded to any workman or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Act, any penalty or damages or part of a penalty or damages which may be in pursuance of any other Act, either of the Parliament of Canada, or of the Legislature of Ontario, have been paid to such workman, representatives or persons in respect of the same cause of action; and where an action has been brought under this Act by any workman, or the representatives of any workman, or any person claiming by, under, or through such workman, for compensation in respect of any cause of action arising under this Act, and payment has not previously been made of any penalty or damages, or part of a penalty or damages under any such Act, either of the said Parliament, or of the said Legislature, in respect of the same cause of action, such workman, representatives or persons shall not, so far as the said Legislature has power so to enact, be entitled thereafter to receive in respect of the same cause of action, any such penalty or damages, or part of a penalty or damages, under any such last mentioned Act. Money payable under penalty to be deducted from compensation. 55 V. c. 30, s. 12.

13—(1) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary Form and service of notice of injury.

language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, upon one of such employers.

(2) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

(3) The notice may also be served by post, by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when a letter containing the same would be delivered in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered.

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or if there be more than one office, any one of the offices of such body.

(5) The want or insufficiency of the notice required by this section, or by section 9 of this Act, shall not be a bar to the maintenance of an action for the recovery of compensation for the injury if the Court or Judge before whom such action is tried, or, in case of appeal, if the Court hearing the appeal is of opinion that there was reasonable excuse for such want or insufficiency, and that the defendant has not been thereby prejudiced in his defence.

(6) A notice under this section shall be deemed sufficient if in the form or to the effect following:

To A. B., of (here insert employer's address)

or

To the Company (or as the case may be).

Take notice, that on the day of 18, C. D., of (insert address of injured person) a workman in your employment sustained personal injury (and of which he died, if such be the case), and that such injury was caused by (state shortly the cause of injury, e.g., the fall of a beam).

(Date.)

Yours, etc.,

X. Y.

55 V. c. 30, s. 13.

Defence of
want of notice
or not the
plaintiff's em-
ployer.

14. If the defendant in any action against an employer for compensation for an injury sustained by a workman in the course of his employment intends to rely for a defence on the want of notice or the insufficiency of notice, or on the ground that he was not the employer of the workman injured, he shall, not less than seven days before the hearing of the action, or such other time as may be fixed by the rules regulating the practice of the Court in which the action is brought, give notice to the plaintiff of his intention to rely on that defence, and the Court may, in its discretion, and upon such terms and conditions as may be just in that behalf, order and allow an adjournment of the case for the purpose of enabling such notice to be given; and, subject to any such terms and conditions, any notice given pursuant to and in compliance with the order in that behalf, shall, as to any such action and for all purposes thereof, be held to be a notice given pursuant to and in conformity with sections 9 and 13 of this Act. 55 V. c. 30, s. 14.

15. In an action brought under this Act the particulars of demand or statement of claim shall state in ordinary language the cause of the injury, and the date at which it was sustained, and the amount of compensation claimed, and where the action is brought by more than one plaintiff, the amount of compensation claimed by each plaintiff, and where the injury of which the plaintiff complains shall have arisen by reason of the negligence, act, or omission of any person in the service of the defendant, the particulars shall give the name and description of such person. 55 V. c. 30, s. 15.

16.—(1) Upon the trial of an action for recovery of compensation under this Act before a Judge without a jury, one or more assessors may be appointed by the Court or Judge for the purpose of ascertaining the amount of compensation; and the remuneration (if any) to be paid to such assessors shall be fixed and determined by the Judge at the trial.

(2) Any person who shall, as hereinafter provided, be appointed to act as an assessor in such action, shall be qualified so to act.

(3) In such action, a party who desires assessors to be appointed shall, ten clear days at least before the day for holding the Court at which the action is to be tried, file an application stating the number of assessors he proposes to be appointed, and the names, addresses and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons named being appointed, he shall file such consent with his application.

(4) Where the application for the appointment of assessors has been made by one party to an action only, he shall, eight clear days at least before the day for holding the Court at which the action is to be tried, serve a copy of the application, so filed, upon the other party, who may then either file an application for assessors, or file objections to one or more of the persons proposed.

(5) An application for the appointment of assessors may be in the form following, or to the like effect, namely:

In the (describing the Court)

"The Workmen's Compensation for Injuries Act."

BETWEEN,

and

Plaintiff,

Defendant.

The plaintiff (or defendant) applies to have an assessor (or assessors) appointed to assist the Court in ascertaining the amount of compensation to be awarded to the plaintiff, should the judgment be in his favour, and he submits the names of the following persons, who have expressed their willingness in writing to act as assessors should they be appointed.

(Here set out the names, addresses and occupation of the persons above referred to.)

(If the other party consents to the appointment add the following:

The defendant (or plaintiff) consents to the appointment of any of the persons above named to act as assessors in this action, as appears by his consent thereto filed herewith.

Dated this day of

A. B.

The above named plaintiff, (or as the case may be.)

(6) Where separate applications are filed by the parties, no objection to the persons proposed shall be made by either party, but the Court or Judge may appoint from the persons named in each application one or more assessor or assessors, provided that the same number of assessors be appointed from the names given in such applications respectively. 55 V. c. 30, s. 16 (1-6).

Assessors in Division Court.

17. In case any such action is brought in a Division Court the application for the appointment of assessors, together with any objections made to the persons proposed, shall be forwarded by the clerk of the Court to the Judge. 55 V. c. 30, s. 16 (7).

Appointment by Court or Judge.

18. Where application for the appointment of assessors is granted, the Court or Judge shall appoint such of the persons proposed for assessors as by the Court or Judge may be deemed fit, subject to the provisions contained in this Act. 55 V. c. 30, s. 16 (8).

Additional assessors.

19. In such action where an application for the appointment of assessors has been filed, the Court or Judge may, at any time prior to the trial thereof, nominate one or more additional persons to act as assessors in the action. Where no application for assessors has been made, the Court or Judge may appoint one or more persons to act as assessor or assessors in the action before or on the trial of the action. 55 V. c. 30, s. 16 (9).

Where assessors do not attend at trial.

20. If at the time and place appointed for the trial all or any of the assessors appointed do not attend, the Court or Judge may either proceed to try the action with the assistance of such of the assessors, if any, as do attend, or may adjourn the trial generally, or upon any terms which the Court or Judge may think fit, or may appoint any person who may be available and who is willing to act, and who is not objected to, or who, if objected to is objected to on some insufficient ground, or the Court or Judge may try the action without assessors. 55 V. c. 30, s. 16 (10).

Deposit of assessors's fees Proviso.

21. Every person requiring the Court or Judge to be assisted by assessors shall at the time of filing his application deposit therewith the sum of \$4 for every assessor proposed, and such payments shall be considered as costs in the action, unless otherwise ordered by the Court or Judge: Provided, that where a person proposed as an assessor shall have in writing agreed and consented that he will not require his remuneration to be so deposited no deposit in respect of such person shall be required. 55 V. c. 30, s. 16 (11).

By whom cost borne.

22. Where an action is tried by the Court or Judge with the assistance of assessors in addition to or independently of any assessors proposed by the parties, the remuneration of such assessors shall be borne by the parties, or either of them, as the Judge or Court shall direct. 55 V. c. 30, s. 16 (12).

Where trial does not take place.

23. If after an assessor has been appointed the action shall not be tried, the Court or Judge shall have power to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of any sum deposited for his remuneration. 55 V. c. 30, s. 16 (13).

24. The assessors shall sit with and assist the Court or Judge when Duty of required with their opinion and special knowledge for the purpose of ^{assessors.} ascertaining the amount of compensation, if any, which the plaintiff shall be entitled to recover. 55 V. c. 30, s. 16 (14).

25.—(1) Where several actions shall be brought under this Act Consolidation against a defendant in the same Court in respect of the same negli-^{of actions.} gence, act or omission, the defendant shall be at liberty to apply to the Judge that the said actions shall be consolidated.

(2) Applications for consolidation of actions shall be made upon notice to the plaintiffs affected by such consolidation. 55 V. c. 30, s. 17 (1, 2).

26.—(1) In case several actions shall be brought under this Act Staying sever- against a defendant in the same Court in respect of the same negli-^{al actions to abide result of one.} gence act or omission, the defendant may, on filing an undertaking to be bound so far as his liability for such negligence, act or omission is concerned by the decision in such one of the said actions as may be selected by the Court or Judge, apply to the Court or Judge for an order to stay the proceedings in the actions other than in the one so selected, until judgment is given in such selected action.

(2) Applications for stay of proceedings shall be made upon notice to the plaintiffs affected by stay of proceedings or *ex parte*. 55 V. c. 30, s. 17 (3, 4).

27. Upon the hearing of an application for consolidation of actions Terms of con- or for stay of proceedings, the Court or Judge shall have power to^{solidation or stay.} impose such terms and conditions and make such order in the matter as may be just. 55 V. c. 30, s. 17 (5).

28. If an order shall be made by a Court or Judge upon an *ex parte* Varying application to stay proceedings, it shall be competent to the plaintiffs order. affected by the order to apply to the Court or Judge (as the case may be) upon notice or *ex parte*, to vary or discharge the order so made, and upon such last mentioned application such order shall be made as the Court or Judge shall think fit, and the Court or Judge shall have power to dispose of the costs occasioned by such order as may be deemed right. 55 V. c. 30, s. 17 (6).

29. In case a verdict in the selected action shall be given against Removal of the defendant, the plaintiffs in the actions stayed shall be at liberty stay. to proceed for the purpose of ascertaining and recovering their damages and costs. 55 V. c. 30, s. 17 (7).

30. Where two or more persons are joined as plaintiffs under Damages to section 25, and the negligence, act or omission which is the cause of^{be separately assessed.} the action shall be proved, the judgment shall be for all the plaintiffs, but the amount of compensation, if any, that each plaintiff is entitled to shall be separately found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person, and in such manner as the Court or Judge thinks fit; should the defendant fail to pay the several amounts of compensation Execution. and the costs awarded in the action, execution may issue as in an ordinary action, and should the proceeds of the execution be insuffi-

cient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount awarded to the respective plaintiffs to the total amount realized after the deduction of all the costs of the action as aforesaid. 55 V. c. 30, s. 17 (9).

**Admissions
by notice.**

31. A defendant may by notice to the opposite party to be given or served at least six days before the day appointed for the trial of the action, admit the truth of any statement of his liability for any alleged negligence, act or omission as set forth or contained in the plaintiff's statement or particulars of claim in the action, and after such notice given the plaintiff shall not be allowed any expense thereafter incurred for the purpose of proving the matters so admitted. 55 V. c. 30, s. 17 (8).

**Where time
expires on
holiday.**

32. Where the time for doing any act, taking any proceeding or giving any notice under or required by this Act expires on a holiday such act, or proceeding, or notice shall, so far as regards the time of doing, taking or giving the same, be held to be duly and sufficiently done, taken or given, if done, taken or given, on the day next following which is not a holiday. 55 V. c. 30, s. 18; 60 V. c. 3, s. 3.

**Forms and
rules.**

33. In an action brought in any Court to recover compensation under this Act, the forms and methods, and the rules and orders in force in the Court shall, subject to and save as otherwise provided by the terms and provisions of this Act, apply to and regulate all matters of pleading, practice and procedure in such action, and notwithstanding anything in this Act contained, the forms and method, and the pleadings, practice and procedure in any such action shall conform to and be regulated by any rules or orders in that behalf hereafter lawfully and duly made or prescribed with respect to actions brought in any such Court. 55 V. c. 30, s. 19.

APPRENTICES AND MINORS.

R. S. O., 1897, Cap. 161.

An Act respecting Apprentices and Minors.

INTERPRETATION, s 1.

MINORS :

Appointment and authority of guardians, ss. 2, 3.
Abandonment by parents, etc., s. 4.
May bind themselves to service in certain cases, s. 5.
Apprenticing, ss. 6-8.
Wages, s. 9.
Transference of apprentice, ss. 10, 11.
Duties of master, s. 12,
of apprentice, s. 13.
When indenture may be altered or annulled on application

on behalf of apprentice, ss. 14-17.
Deserting employment, s. 18.
Proceedings on complaints against apprentice, ss. 19, 20.
Harbouring absconding apprentices, s. 21.
When master may avoid indenture, s. 22.
Jurisdiction of General Sessions, sec. 23.
Costs—Fines, ss. 24-25.
APPEALS, ss. 26-28.
POWERS OF CHARITABLE SOCIETIES, s. 29.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

INTERPRETATION.

1. The word "Master," where it occurs in this Act, shall include any person or number of persons, male or female, carrying on business singly or in co-partnership, and any body corporate. R. S. O. 1887, c. 142, s. 1.

Meaning of the word "master."

GUARDIANS TO MINORS.

2. Any parent, guardian, or any other person having the care or charge of a minor, or any charitable society authorized by the Lieutenant-Governor to exercise the powers conferred by this Act, and having the care or charge of a minor, may, with the minor's consent, if the minor is a male not under the age of fourteen years, or is a female not under the age of twelve years, and without such consent if he or she is under such age, constitute, by indenture, to be the guardian of the child, any respectable, trustworthy person who is willing to assume, and by indenture or other instrument in writing does assume, the duty of a parent towards the child ; but the parent shall remain liable for the performance of any duty imposed by law in case the guardian fails in the performance thereof. R. S. O. 1887, c. 142, s. 2.

Power of parents, charitable societies, etc., to appoint guardians to minors.

3. The guardian shall thereupon possess the same authority over the child as he or she would have were the ward his or her own child, and shall be bound to perform the duties of a parent toward such ward. R. S. O. 1887, c. 142, s. 3.

Authority guardian.

RIGHTS AND LIABILITIES OF MINORS.

Parents and guardians of certain minors not to control their custody except on order

4. No minor who has been abandoned by his or her parent or guardian, or who is dependent upon charity for support shall be removed from any public or private charitable institution, or from the custody or control of any private person who is charitably taking care of the minor, by the father or mother or guardian of the minor against the will of the head of such public or private charitable institution, or of such private person, without an order for such removal from a Judge of the High Court or from the Judge of the County Court of the county, or Mayor or Police Magistrate of the city or town where the minor is; and the Judge or other person hereby empowered to make an order for removal, may refuse to grant an order for the removal of the minor, unless he is satisfied that the removal will tend to the advantage and benefit of the minor. R. S. O. 1887, c. 142, s. 4.

Minors may bind themselves to labour in certain cases.

5. When a minor over the age of sixteen years, who has no parent or legal guardian, or who does not reside with his parent or guardian, enters into an engagement written or verbal to perform any service or work, he shall be liable upon the same, and shall have the benefit thereof, as if he had been of legal age. R. S. O. 1887, c. 142, s. 5.

APPRENTICING MINORS.

Power of parents, charitable societies, etc., to bind minors.

6. A parent, guardian, or other person having the care or charge of a minor, or any charitable society being authorized by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a minor, the minor being a male and not under the age of fourteen years, may, with the consent of the minor, put and bind him as an apprentice by indenture to any respectable and trustworthy master-mechanic, farmer, or other person carrying on a trade or calling, for a term not to extend beyond the minority of the apprentice; or in case of a female not under the age of twelve years, may, with her consent, bind the minor to any respectable and trustworthy person carrying on any trade or calling, or to domestic service with any respectable and trustworthy person for any term not to extend beyond the age of eighteen years. R. S. O. 1887, c. 142, s. 6.

Power given to the mother when the father abandons his infant children.

7. Where the father of an infant child abandons and leaves the child with the mother, the mother, with the approbation of two Justices of the Peace, may bind the child as an apprentice to any person mentioned in the last section, until the child attains the age of twenty-one years in the case of a male, and eighteen in the case of a female; and an indenture to that effect under the hand and seal of the mother and countersigned by such Justices shall be valid; but no child, having attained the age of fourteen years, shall be so apprenticed, unless he or she consents. R. S. O. 1887, c. 142, s. 8.

Certain minors may be apprenticed by Mayor, Judge, etc.

8. In a city or town, the mayor, Judge of the County Court or Police Magistrate, and in a county, the Judge of the County Court of the county may put and bind for the like period to any person mentioned in the several sections of this Act, with the consent of such person and of the minor, (or if such minor is a male under the age of fourteen years or a female under the age of twelve years then without

the consent of such minor), any minor who is an orphan or has been deserted by his or her parents or guardian, or whose parents or guardian have been for the time committed to a common gaol or house of correction, or any minor who is dependent upon public charity for support; and such apprentice and the master of such apprentice shall be held in the same manner as if the apprentice had been bound by his or her parent. R. S. O. 1887, c. 142, s. 8.

9. All wages reserved by any indenture or otherwise to be paid for the service of any minor, shall, if not payable to the parent, be either ^{Wages of} minors, payable to the minor or to some person for the benefit of the minor. R. S. O. 1887, c. 142, s. 9.

10. If the master of the apprentice dies, the apprentice if a male, shall by act of law, be transferred to the person (if any) who continues the establishment of the deceased; and such person shall hold the apprentice upon the same terms as the deceased, if alive would have done. ^{If the master dies, apprentice to be transferred to his successor in the business.} R. S. O. 1887, c. 142, s. 10.

11. A master may transfer his apprentice, with his consent to any person who is competent to receive or take an apprentice and who carries on the same kind of business. ^{Apprentices may be transferred.} R. S. O. 1887, c. 142, s. 11.

12. Every master shall provide his apprentice, during the term of his apprenticeship with suitable board, lodging and clothing, or such equivalent therefor as is mentioned in the indenture, and shall also properly teach and instruct him, or cause him to be taught and instructed in his trade or calling. ^{Duties of masters towards apprentices.} R. S. O. 1887, c. 142, s. 12.

13. Every apprentice shall during the term of his apprenticeship faithfully serve his master, shall obey all his lawful and reasonable commands, and shall not absent himself from his service, day or night, without his consent. ^{Duty of apprentices.} R. S. O. 1887, c. 142, s. 13.

14. A Judge of the County Court or a Police Magistrate upon complaint made by a minor bound as aforesaid, or by any person on his or her behalf, or by the person to whom an apprentice is bound, may alter the mode in which payment of wages is to be made, by directing payment to the apprentice, or some other person, in lieu of the manner set out in the indenture; or may on proof of gross misconduct or neglect of duty annul the indenture of apprenticeship or of service, and may compel the person in whose possession, power, custody or control the indenture is, to produce and deliver the same in Court, in order to have the indenture cancelled, or to have the order varying the said indenture endorsed thereon, as the case may require. ^{Alteration in mode of payment of wages upon application for the purpose. Indenture may be annulled for misconduct.} R. S. O. 1887, c. 142, s. 14.

15. A County Court Judge or Police Magistrate may after allowing a reasonable time for production and delivery, issue a warrant for the imprisonment of the person in default, for any term not exceeding six months, unless the indenture or instrument is previously produced and delivered for the purpose aforesaid. ^{Committal for refusing to produce indenture.} R. S. O. 1887, c. 142, s. 15.

16. A Judge of the County Court or Police Magistrate upon complaint of any minor over whom a person has been appointed guardian shall have power to order the emancipation of such minor. ^{Emancipation from authority of guardian.}

under section 2 of this Act, or of any person on behalf of the minor, and upon proof of gross misconduct or neglect of duty on the part of the guardian may emancipate the minor from the authority of the said guardian. R. S. O. 1887, c. 142, s. 16.

Cancellation of indenture of apprenticeship or appointment of guardian.

17. A Judge of the County Court in any case, and a Police Magistrate in case the apprenticing of a child or the appointment of a guardian under this Act has not been by the parent of the child, may on the application of either the parent or the child, cancel the indenture of apprenticeship, if satisfied that the same was injudiciously or improperly entered into; or cancel the appointment of a guardian, and restore the child to the parent, if satisfied that the parent is a fit and proper person to take charge of the child; and in case such cancellation of the guardianship is on the application of the parent, the authority of the parent shall revive as if no guardian had been appointed. R. S. O. 1887, c. 142, s. 17.

Liability of apprentice deserting his master's service.

18. In case an apprentice absents himself from his master's service or employment before the time of his apprenticeship expires, he may at any time thereafter, if found in Ontario, be compelled to serve his master for so long a time as he so absented himself, unless he makes satisfaction to his master for the loss sustained by such absence. R. S. O. 1887, c. 142, s. 18.

How complaints may be heard.

19—(1) In case an apprentice refuses to serve as above required or to make such satisfaction to his master, or to obey the lawful commands of his master, or in any other way refuses or neglects to perform his duty to his master, and if the master or his overseer or agent, complains on oath to a Justice of the Peace or Police Magistrate, either in the county, city or town where the master resides, or in any county, city or town where the absconding apprentice is found, such Justice or Police Magistrate may cause the apprentice to be summoned to appear or to be apprehended and brought before him, or before some other Justice of the Peace; and such Justice, upon hearing the complaint, shall determine what satisfaction shall be made by the apprentice to the master.

Committal of apprentice in certain cases, etc.

(2) In case the apprentice does not give or make such satisfaction immediately, or in case the satisfaction is of such a nature as not to admit of immediate performance, if he does not give sufficient security to make such satisfaction, then the Justice or Police Magistrate may commit the apprentice to the common gaol or house of correction of the county, city or town, for any time not exceeding three months; and such imprisonment shall not release the apprentice from the obligation to make up the lost time to the master. R. S. O. 1887, c. 142, s. 19.

Limitation of proceedings against absconding apprentice.

20. Where the apprentice has not left Ontario, or having left Ontario, has returned thereto, the master shall not proceed against the apprentice under this Act, except within three years next after the expiration of the term for which the apprentice contracted to serve, or next after his return, as the case may be. R. S. O. 1887, c. 142, s. 20.

Penalty for employing or harbouring absconding apprentices.

21. Any person who knowingly harbours or employs an absconding apprentice, shall pay to the master of the apprentice the full value of the apprentice's labour; and such value shall be what the master would have received from the labour and service of the apprentice if

he had continued faithfully in his master's service; and the master may recover the same in any Court having jurisdiction where the apprentice has been employed, or where the master resides. R.S.O. 1887, c. 142, s. 21.

22. If an apprentice becomes insane, or is convicted of a felony, or Indenture is senteced to the Central Prison, Provincial Reformatory, or to the Penitentiary, or absconds, his master may within one month thence next ensuing, but not afterwards, avoid the indenture of apprenticeship, from the time he gives notice in writing of his intention to do so to the other parties to the indenture, either by serving them with the notice or a copy thereof, or by inserting the same in the *Ontario Gazette*, or in a newspaper of the county or city where the master's establishment is situated. R. S. O. 1887, c. 142, s. 22.

23. The Court of General Sessions of the Peace shall have a con-Jurisdiction of current primary jurisdiction over offences committed against this Act, and shall also have authority to make any order which under this Act may be made by a Judge of the County Court. R. S. O. 1887, c. 142, s. 23.

24. The Court of General Sessions, Judge, Police Magistrate or Costs, Justice, may, on any complaint or other proceeding under this Act make such order as to payment of costs as appears just. R. S. O. 1887, c. 142, s. 24.

25. All fines imposed and collected under this Act shall be paid to Application the treasurer of the local municipality, where the offence was com- of fines. mitted. R. S. O. 1887, c. 142, s. 25.

APPEALS.

26. Either party may, except as to matters provided for in the next Appeal to section, appeal to the Court of General Sessions from the decision of a Justice or Police Magistrate, under this Act, in manner provided for in cases of summary conviction; and the said Court, when called upon to adjudicate upon an appeal in any matter under this Act, may make the like order as it might have made, had the complaint been brought before it in the first instance. R. S. O. 1887, c. 142, s. 26.

27.—(1) There shall be an appeal to a Judge of the High Court Appeal to a in Chambers from any order made by a Court of General Sessions, County Court Judge, or a Police Magistrate, cancelling or varying an indenture of apprenticeship, or cancelling the appointment of a guardian; such appeal shall be by summary petition, a copy whereof shall be served upon the opposite party within ten days from the day upon which judgment is rendered, unless a Judge of the High Court, or the Master in Chambers allow further time; and the petition shall be returnable upon the tenth day after the day of service thereof. Proceedings on appeal.

(2) The Judge, or Master in Chambers aforesaid, in granting further time may impose such terms as to further evidence, costs and otherwise as he sees fit; but the adjudication on the appeal shall be by the Judge only. R. S. O. 1887, c. 142, s. 27.

Order of
Judge.

Further evi-
dence.

28. The Judge, upon consideration of the evidence taken upon the hearing, (a certified copy whereof shall be produced before him,) and such further evidence aforesaid (if any) may make such order in the premises, and as to costs and otherwise, as he may consider fitting; or before adjudication upon the appeal, he may in his discretion permit further evidence, either written or oral, to be adduced upon such terms as he considers just. R. S. O. 1887, c. 142, s. 28.

POWERS OF CHARITABLE SOCIETIES.

Charitable
societies may
be authorized
to exercise
powers under
this Act.

29. The Lieutenant-Governor in Council may authorize any charitable society, incorporated or unincorporated, to exercise for a limited time or otherwise, the powers conferred by this Act, and may revoke or suspend any Order in Council made for that purpose; and after such revocation such Society shall not possess the authority to exercise such powers unless and until again authorized by Order in Council. R. S. O. 1887, c. 142, s. 29.

INNKEEPERS.

R. S. O. 1897, CAP. 187.

An Act respecting Innkeepers.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

"Inn."

1. In the construction of this Act:—

1. "Inn" shall include an hotel, inn, tavern, public house or other place of refreshment, the keeper of which is now by law responsible for the goods and property of his guests; and

"Innkeeper." 2. "Innkeeper" shall mean the keeper of any such place. R. S. O. 1887, c. 154, s. 1.

Lien on bag-
gage, etc., for
accommoda-
tion, etc., fur-
nished, and
power to sell.

2.—(1) Every innkeeper, boarding-house keeper and lodging-house keeper shall have a lien on the baggage and property of his guest, boarder or lodger, for the value or price of any food or accommodation furnished to such guest, boarder or lodger, and, in addition to all other remedies provided by law, shall have the right, in case the same remains unpaid for three months, to sell by public auction the baggage and property of such guest, boarder or lodger, on giving one week's notice by advertisement in a newspaper published in the municipality in which the inn, boarding-house, or lodging-house is situate, or in case there is no newspaper published in the municipality, in a newspaper

published nearest to such inn, boarding house, or lodging-house, of the intended sale, stating the name of the guest, boarder or lodger, the amount of his indebtedness, the time and place of sale, and the name of the auctioneer, and giving a description of the baggage or other property to be sold; and after the sale the innkeeper, boarding-house keeper, or lodging-house keeper may apply the proceeds of the sale in payment of the amount due to him, and the costs of such advertising and sale, and shall pay over the surplus (if any) to the person entitled thereto, on application being made by him therefor.

(2) Where an innkeeper, boarding-house keeper, lodging-house keeper or livery stable keeper, has by law a lien upon a horse or other animal for the price or value of any food or accommodation supplied to such animal, or for care or labour bestowed thereon, he shall, in addition to all other remedies provided by law, have the right, in case any part of such price or value remains unpaid for the space of two weeks, to sell by public auction such horse or other animal on giving two weeks' notice by advertisement in a newspaper published in the municipality in which the inn, boarding-house, lodging-house, or livery stable is situate, or in case there is no newspaper published in the municipality, in a newspaper published nearest to such inn, boarding-house, lodging-house, or livery stable, of the intended sale, stating (if known) the name of the person or persons who brought such horse or other animal to the inn, boarding-house, lodging-house, or livery stable, the amount of the indebtedness, and the name of the auctioneer, and giving a description of the horse or other animal; and after the sale, the innkeeper, boarding-house keeper, lodging-house keeper or livery stable keeper may apply the proceeds thereof in payment of the amount due to him in respect of food or accommodation supplied, or care or labour bestowed as aforesaid, and the costs of such advertisement and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor. R. S. O. 1887, c. 154, s. 2.

3—(1) No innkeeper shall be liable to make good to any guest of such innkeeper, any loss of or injury to goods or property brought to his inn (not being a horse or other live animal, or any gear appertaining thereto, or any carriage), to a greater amount than the sum of \$40 except in the following cases, that is to say:

(a) Where such goods or property have been stolen, lost or injured through the wilful act, default, or neglect of such innkeeper, or any servant in his employ;

(b) Where such goods or property have been deposited expressly for safe custody with such innkeeper.

(2) In case of such deposit, it shall be lawful for such innkeeper, if he thinks fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same. R. S. O. 1887, c. 154, s. 3.

4. If an innkeeper refuses to receive for safe custody, as before mentioned, any goods or property of his guest, or if such guest, through any default of such innkeeper, is unable to deposit such goods or property as aforesaid, the innkeeper shall not be entitled to the benefit of this Act in respect of such goods or property. R. S. O. 1887, c. 154, s. 4.

Copy of section 3 to be conspicuously exhibited.

5. Every innkeeper shall cause to be kept conspicuously posted in the office, and public rooms, and in every bedroom in his inn, a copy of section 3 of this Act, printed in plain type; and he shall be entitled to the benefit of the said section in respect of such goods or property only as are brought to his inn while such copy is so posted. R. S. O. 1887, c. 154, s. 5.

PAWNBROKERS.

R. S. O., 1898, CAP. 188.

An Act respecting Pawnbrokers.

INTERPRETATION, s. 1.
 LICENSE OF PAWNBROKERS, ss. 2-6.
 SIGN TO BE EXHIBITED, ss. 7, 8.
 RATES TO BE EXHIBITED, s. 9.
 BOOKS TO BE KEPT, ss. 10-11.
 MEMORANDUM TO PAWNOR, ss. 12-15.
 PAWNING GOODS OF OTHERS OR GOODS
 PARTLY MANUFACTURED, ss. 16-
 19.
 CONCEALMENT OF GOODS, s. 20.
 REFUSAL TO DELIVER GOODS ON RE-
 DEMPTION, s. 21.
 HOLDER OF MEMORANDUM ENTITLED
 TO GOODS, s. 22.

PROCEEDINGS ON NOTICE NOT TO DE-
 LIVER, s. 23.
 SALE OF UNREDEEMED GOODS, ss. 24-
 32.
 RESTRICTIONS ON PAWNBROKERS, ss.
 32-35.
 PROCEEDINGS WHEN GOODS LOST OR
 IMPAIRED IN VALUE, ss. 34-37.
 FEES OF JUSTICES, s. 38.
 APPLICATION OF PENALTIES, s. 39.
 LIMITATION OF PROSECUTIONS, s. 40.
 WHO MAY TRY; OR PROSECUTE, s. 41.
 LIABILITY OF EXECUTORS OF PAWN-
 BROKER, s. 42.
 APPEALS, ss. 43 44.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Pawnbroker
 defined.

1. Every person who takes or receives, by way of pawn pledge or exchange, any goods for the repayment of money lent thereon, shall be deemed a pawnbroker within the meaning of this Act. R. S. O. 1887, c. 155, s. 1.

Pawnbrokers
 to be licensed.

2. No person shall exercise the trade of a pawnbroker within any municipality in this Province unless he shall have obtained a license therefor under the hand of the treasurer of the municipality in which he carries on or purposes to carry on such trade, nor unless he shall obtain a renewal of the same annually, but no license shall be issued or renewed, unless the same shall have been first authorized by by-law of the council of said municipality. R. S. O. 1887, c. 155, s. 2.

Penalty for
 neglect to take
 out license.

3. Every person exercising such trade without having obtained a license or renewal thereof, as aforesaid, shall forfeit \$50 for every pledge he takes, to be recovered with costs in the same manner as the

penalty with costs imposed in section 8 of this Act may be recovered.
R. S. O. 1887, c. 155, s. 3.

4. The sum of \$60 shall be paid for every license or renewal thereof ^{Fee for license} to the treasurer, for the use of the municipality. R. S. O. 1887, c. 155, s. 4.

5. No person shall, by virtue of one license, keep more than one ^{License to} house or shop, or place for taking in goods to pawn. R. S. O. 1887, c. 155, s. 5.

6. Any number of persons carrying on trade as pawnbrokers in ^{Partners.} partnership in the same house, shop or place need only take out a license for one house. R. S. O. 1887, c. 155, s. 6.

7. Every pawnbroker shall have a sign, with his name and the ^{To exhibit a} word "Pawnbroker" in large legible characters thereon, placed over ^{sign.} the door outside of the shop, or other place used by him for carrying on business. R. S. O. 1887, c. 155, s. 7.

8.—(1) In case a pawnbroker neglects to have such sign so placed, ^{Penalty for} he shall forfeit \$40 for every shop or place made use of for one week ^{neglect to} without having such sign so put up, to be recovered with costs, before ^{exhibit sign.} any Police Magistrate or two Justices of the Peace, and if such sum is not forthwith paid upon conviction, the same may, by warrant under the hand and seal of such Police Magistrate or two Justices of the Peace, be levied by distress and sale of the offender's goods. R. S. O. 1887, c. 155, s. 8, part.

(2) If there is not a sufficient distress, or payment is not forthwith ^{Committal} made, the offender shall be committed to the county or district gaol, ^{in default of} for a term not exceeding three months nor less than fourteen days, ^{distress.} unless the penalty and costs are sooner paid. R. S. O. 1887, c. 155, s. 9.

9. Every pawnbroker shall cause to be painted or printed in large ^{Rates to be} legible characters the rate of profit by this Act or by the Statutes of ^{exhibited.} Canada allowed to be taken, and also the various prices of the notes ^{See R. S. C.} or memorandums to be given according to the rates hereinafter men- ^{c. 128.} tioned, and a statement of such as are to be given *gratis*, and of the expense of obtaining a second note or memorandum where the former one has been lost, mislaid, destroyed or fraudulently obtained, and shall place the same in a conspicuous part of the shop or place where the business is carried on, so as to be visible to and legible by persons pledging goods. R. S. O. 1887, c. 155, s. 10.

10. Every pawnbroker who takes any goods by way of pawn or ^{Entries to} pledge, whereon a sum above \$1 is lent, shall, before he advances or ^{be made by} lends the money thereon, enter in a fair and regular manner in a book ^{pawnbrokers.} to be kept by him for that purpose, a description of the goods received in pawn, pledge or exchange, and the sum lent thereon, with the day and year and name of the person by whom pawned, and the name of the street and number of the house, if numbered, where such person abides, and whether he is a lodger in or the keeper of such house, by using the letter L if a lodger, and the letter H if a housekeeper, and also the name and place of abode of the owner, according to the infor-

mation of the person pawning the goods, into all which circumstances the pawnbroker shall inquire of the party before any money is advanced; and if the sum lent does not exceed \$1, a similar entry shall be made within four hours after the goods have been pawned. R. S. O. 1887, c. 165, s. 11.

If above \$2.
lent.

11. Every pledge upon which there is lent above \$2 shall be entered in a book to be kept for that purpose, and to be kept separate from all other pledges, and every such entry shall be numbered in the book progressively as such goods are pawned in the following manner, viz.: the first pledge that is received in pawn as No. 1, the second as No. 2, and so on until the end of the month, and so on in every succeeding month throughout the year, and upon every note respecting such pledge shall be written the number of entry of the pledge so entered in the book aforesaid. R. S. O. 1887, c. 155, s. 12.

Note giving
description of
goods to be
given to the
pawnor.

12. At the time of taking any pawn, a note or memorandum, written or printed, shall be given to the person pawning, pledging or exchanging the same, containing a description of the goods pawned, pledged or exchanged, and also of the money advanced thereon, with the day of the month and year, and the names and places of abode, and numbers of the houses of the parties, and whether lodgers or housekeepers, by using the letters aforesaid, and upon such note or memorandum, or on the back thereof, shall be written or printed the name and place of abode of the pawnbroker, which note or memorandum the party pawning the goods is required to take, and unless he takes the same, the pawnbroker shall not receive and retain the pledge. R. S. O. 1887, c. 155, s. 13.

Fees therefor

13.—(1) When the sum lent is under \$1, the note aforesaid shall be given *gratis*.

(2) If the sum lent is \$1 and under \$2, the pawnbroker may take one cent.

(3) If \$2 and under \$5, he may take two cents.

(4) If \$4 and under \$20, he may take three cents.

(5) If \$20 and upwards, he may take seven cents. R. S. O. 1887, c. 155, s. 14. 60 V. c. 15, Sched. A. (35 part).

The note to be
afterwards
produced.

14. The note shall be produced to the pawnbroker before he is obliged to re-deliver the goods, except as hereinafter provided. R.S.O. 1887, c. 155, s. 15.

A duplicate to
be affixed to
the goods.

15. A duplicate of the note or memorandum shall be affixed to the goods pledged, and in all cases where goods pawned are redeemed, the pawnbroker shall write or endorse, or cause to be written or endorsed on every duplicate, the profit taken by him for the pledge, and shall keep the duplicate in his custody for one year next following. R.S.O. 1887, c. 155, s. 16.

Penalty for
pawning goods
of others.

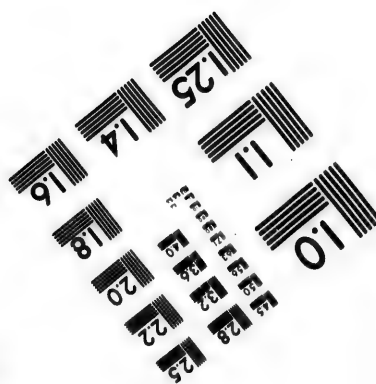
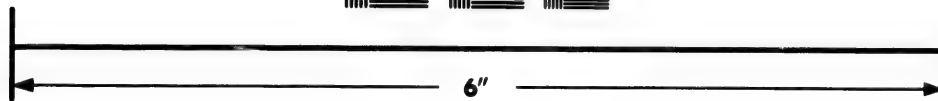
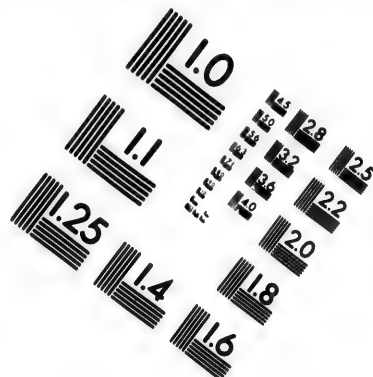
16. If any person knowingly and designedly pawns, pledges or exchanges, or unlawfully disposes of the goods of any other person, not being employed or authorized by the owner so to do, any Justice of

the Peace resident nearest to the place where the offence has been committed may grant his warrant to apprehend the offender; and if he is thereof convicted by the oath of one witness, or by confession, before a Justice of the Peace, he shall forfeit not more than \$20 nor less than \$4, and also the value of the goods pawned, and if not forthwith paid, the convicting Justice shall commit him to the common gaol of the district or county where the offence was committed, there to remain and be kept at hard labour for not more than three months, unless the forfeiture is sooner paid. R. S. O. 1887, c. 155, s. 17.

17. The said forfeitures when recovered shall be applied towards making satisfaction thereout to the party injured, and defraying the costs of the prosecution, as may be adjudged reasonable by the convicting justice. Forfeitures, how applied. R. S. O. 1887, c. 155, s. 18.

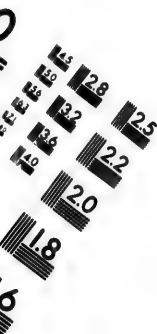
18. If any person buys or takes in pawn or exchange for any journeyman mechanic, any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or any goods, materials, linen or apparel which have been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, and is convicted thereof upon confession, or on the oath of one witness, before a Justice of the district or county where the offence was committed, he shall forfeit the sum lent thereon, and forthwith restore the said goods or materials to the lawful owner. Consequences of taking goods in pawn from journeymen. R. S. O. 1887, c. 155, s. 19.

19. If the owner of goods of any manufacture, or part or branch of any manufacture, either mixed or separate, or of any materials plainly intended for manufacturing any goods after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or of any linen or apparel which has been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up as aforesaid, or of any other goods whatsoever, which have been unlawfully pawned or exchanged, makes out either on his oath or by the oath or solemn affirmation of one witness, before a Justice of the district or county where such offence has been committed, that there is just cause to believe or to suspect that any person has taken to pawn or exchange any such goods without the owner's knowledge, and makes appear probable grounds for such suspicion, the Justice may issue his warrant, for searching within the hours of business, the books, house, warehouse or any other place of the person so charged as suspected of having received the same without the privity of the owner; and if the occupant of such place, upon request made to him by any peace officer authorized to search, refuses to exhibit his pledge books, or to open such place as required to permit search to be made, the peace officer may break open the house, warehouse or other place on the said premises within the hours of business, and search as he may think fit for the goods suspected to be there, Proceedings by owners of goods illegally exchanged. Search warrant.



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taking care to do no wilful damage, and no person shall oppose the same. R. S. O. 1887, c. 155, s. 20.

Where goods
found con-
cealed.

20. If after such refusal and upon forced search, any goods so pawned or exchanged as aforesaid are found, and the property of the owner is made out to the satisfaction of the Justice, by the oath or solemn affirmation of one witness, or by the confession of the person charged, the Justice shall cause the goods to be forthwith restored to the owner, and the occupier of the place where such goods are found shall be fined not less than \$8 nor more than \$20 to be recovered as other fines before mentioned. R. S. O. 1887, c. 155, s. 21.

If pawnor
offers to
redeem
within a year,
and pawn-
broker refuses
to restore
goods.

21. In case within one year of any goods have been pawned or pledged for securing money lent, the pawnor, or other person on his behalf, tenders to the person who lent the money the note or memorandum required to be given by this Act, and also the principal money borrowed, and the profit according to the lawful rates, and the person who took the goods in pawn neglects or refuses, without reasonable cause, to deliver back the goods so pawned, the pawnor may make oath thereof before a Justice of the district or county where the offence has been committed, and the Justice shall cause such person to come before him, and shall examine on oath the parties themselves, and such other credible persons as appear before him touching the premises, and if tender of the note or memorandum, with the principal sum lent, and lawful profit thereon, is proved by oath to have been made within the time aforesaid, then on payment by the borrower of such principal money and the lawful profit due thereon to the lender, and in case the lender refuses to accept thereof on tender before the Justice, the Justice shall thereupon, by order under his hand, direct the goods so pawned forthwith to be delivered to the pawnor, and if the lender neglects or refuses to deliver up or make satisfaction for the goods as the Justice orders, the Justice shall commit him to the common gaol of the district or county where the offence was committed, until he delivers up the goods according to the order, or makes satisfaction for the value thereof to the party entitled to the same. R. S. O. 1887, c. 155, s. 22.

[As to lawful rates see R. S. C. Cap. 128, secs. 2, 3.]

Holder of note
to be consider-
ed owner.

22. The person who produces the note or memorandum aforesaid, and requires a delivery of the goods mentioned therein, shall be deemed the owner, so far as concerns the person who has the goods in pledge, and the pawnbroker, on receiving the principal and profit aforesaid, shall deliver the goods to the person producing the note or memorandum, and he shall be indemnified, unless he has had notice in writing from the real owner not to deliver the goods to the person producing the note or memorandum. R. S. O. 1887, c. 155, s. 23.

Proceedings if
pawnbroker
notified not to
deliver.

23. In case a pawnbroker has had such previous notice, or in case the note or memorandum has been lost, mislaid, destroyed, or fraudulently obtained from the owner, and the goods mentioned therein are unredeemed:

1. The pawnbroker with whom the goods have been pledged shall, at the request of the person who presents himself as the owner there-

of, deliver to such person a copy of the note or memorandum, with the form of an affidavit of the particular circumstances attending the case written thereon, as the same are stated to him by the party applying for the goods ;

2. The person receiving the copy and form of affidavit shall thereupon prove his property in or right to the goods to the satisfaction of some Justice of the Peace, and shall also make oath to the affidavit, before such Justice, of the truth of the particular circumstances attending the case therein mentioned ;

3. The pawnbroker shall then suffer the person proving such property to redeem the goods on leaving the copy of the note or memorandum, and the affidavit, with him, the pawnbroker ;

4. In case the money lent does not exceed \$1 the pawnbroker may receive for the copy and affidavit, two cents ; if above \$1, and not exceeding \$4, three cents ; and if above \$4 five cents. R. S. O. 1887, c. 155, s. 24 ; 60 V. c. 15, Sched. A, (35, part).

24. All pawned goods shall be deemed forfeited, and may be sold When goods at the expiration of one year from the time of pawning the same, exclusive of the day on which they were pawned. R. S. O. 1887, c. 155, s. 25.

25. When the sum lent exceeds \$2 the goods shall be sold by the At public pawnbroker at public auction, and not otherwise. R. S. O. 1887, c. 155, s. 26.

26. Before such public sale, the goods shall be exposed to public Before sale view, and a catalogue thereof published, containing the name and goods to be the place of abode of the pawnbroker, a description of the goods exposed to view and sale separately, the month the goods were received in pawn, and the number advertised. of the pledge ; and an advertisement giving notice of the intended sale, and containing the name and abode of the pawnbroker, and the month the goods were received in pawn, shall be inserted on two several days in some public newspaper, two days at least before the day of sale. R. S. O. 1887, c. 155, s. 27.

27. In case the goods are not described separately in the catalogue, Penalty or the pawnbroker shall forfeit to the owner of the pledge not less than not properly \$8 nor more than \$40, to be recovered in the same manner as fines describing imposed under section 8 of this Act. R. S. O. 1887, c. 155, s. 28.

28. Every pawnbroker shall enter in a book, to be kept for that Account of purpose, a just account of the sale of the goods by auction, expressing sales to be therein the day of the month the same were pledged, the name of the kept and person who pledged the same respectively, the day when, and the booked. money for which each pledge was sold, and the name and abode of the auctioneer. R. S. O. 1887, c. 155, s. 29.

29. In case the goods have been sold for more than was due there- Disposal of on, and in case of demand within three years after the sale, the over-surplus. plus shall, after deducting the necessary costs and charges of the sale and catalogues, be paid to the person by whom or on whose account the goods were pawned. R. S. O. 1887, c. 155, s. 30.

Pawnor may inspect entries.

30. The person who pawned the goods, or the person for whom they were pawned, shall be permitted to inspect the entry made of the sale, on paying five cents for the inspection. R. S. O. 1887, c. 155, s. 31.

Consequence of refusal to permit inspection.

31. In case the pawnbroker refuses an inspection of the entry to the person who pawned the goods, or to his executor, administrator or assignee, upon the production of the letters testamentary, or letters of administration or the assignment, or in case the goods were sold for more than the sum entered in such book, or in case the pawnbroker did not make such entry, or did not *bona fide* sell the goods according to this Act, or refuses to pay the overplus on demand, he shall forfeit \$40, and treble the sum the goods were originally pawned for, to the person by whom or on whose account they were pawned, to be recovered as other fines under this Act; and if the forfeiture is not forthwith paid, the sum shall be levied by distress by warrant of the Justice before whom the conviction is had. R. S. O. 1887, c. 155, s. 32.

Pawnbrokers not to purchase goods except at public auction.

32. No pawnbroker having goods in pledge shall, either by himself or any other person for him, except at a public auction, purchase such goods during the time they remain in his custody as a pledge. R. S. O. 1887, c. 155, s. 33.

Restrictions upon pawnbrokers.

33. No pawnbroker shall—

1. Purchase, receive or take any goods in pledge, from any person who appears to be under the age of fifteen years, or to be intoxicated with liquor; nor

2. Purchase or take in pawn, pledge or exchange, the note or memorandum aforesaid of any other pawnbroker;

3. Employ any servant or other person under sixteen years of age to take any pledge;

4. Receive any goods by way of pawn, pledge or exchange, on any Fast or Thanksgiving Day appointed by authority, or on Sunday, nor on any other day, before eight o'clock in the morning, nor after eight o'clock in the evening, except on Saturday evenings, and the evenings preceding Good Friday and Christmas Day, at which last times the pawnbroker may keep his place of business open until ten o'clock in the evening. R. S. O. 1887, c. 155, s. 34.

Where goods lost or damaged.

34. In case it appears or is proved on oath before a Justice of the Peace, that the goods pawned were sold before the time limited, or have been embezzled or lost, or have become of less value than when pawned, through the neglect or wilful misbehaviour of the pawnbroker or his servants, the Justice shall award a reasonable satisfaction to the owner in respect of the damages suffered by him thereby. R. S. O. 1887, c. 155, s. 35.

Terms of redemption of such goods.

35. In case the sum so awarded does not amount to the principal and profit due to the pawnbroker, the pawnor may pay or tender the balance; and on so doing, the Justice shall proceed as if the pawnor had paid or tendered the whole money due for principal and profit as aforesaid. R. S. O. 1887, c. 155, s. 36.

When damages awarded exceed pawnbroker's claim.

36. In case the satisfaction allowed is equal to or exceeds the principal and profit as aforesaid, the pawnbroker shall deliver the

goods so pledged to the owner without being paid anything for the principal or profit, and also the excess, if any, under a penalty of \$40, to be recovered as the penalties hereinbefore mentioned. R. S. O. 1887, c. 155, s. 37.

37. When the Justice thinks the production of any pawn-book, note, voucher, memorandum, duplicate or other paper necessary, which is or ought to be in the hands, custody or power of any pawnbroker, he shall summon him to attend with the same, and the pawnbroker shall be bound to produce the same in the state in which it was when the pawn was received; and in case the pawnbroker neglects or refuses to attend or to produce the same in its true and perfect state, he shall, unless he shows good cause to the satisfaction of the justice, forfeit not less than \$20 nor more than \$40, to be levied and recovered as fines hereinbefore mentioned. R. S. O. 1887, c. 155, s. 38.

38. No fee shall be taken for any summons or warrant granted by any Justice under this Act, so far as the same relates to goods pawned, pledged or taken in exchange. R. S. O. 1887, c. 155, s. 42.

39. All penalties recovered under this Act shall belong and be paid to the municipality in which the offence was committed. R. S. O. 1887, c. 155, s. 8, part.

40. No pawnbroker shall be liable to any prosecution before a Justice under this Act, unless information is given within twelve months next after the offence committed. R. S. O. 1887, c. 155, s. 39.

41. Unless where in this Act it is provided that the penalty for the offence may be recovered before two Justices of the Peace, any prosecution for an offence under this Act may be had before any one Justice of the Peace having jurisdiction in the place where the offence was committed, but no person who has been convicted of fraud or of felony shall prosecute or inform against any person for an offence against this Act. R. S. O. 1887, c. 155, s. 40.

42. The provisions of this Act shall extend to the executors, administrators and assigns of every deceased pawnbroker, and also to the executors, administrators and assigns of the pawnor, but such executor, administrator or assign, shall not be answerable for any penalty, personally or out of his own estate, unless forfeited by his own act. R. S. O. 1887, c. 155, s. 41.

43. In case of an appeal from the judgment of a Justice or Justices under this Act, the execution of the judgment shall be suspended, upon the person convicted entering into a recognizance, at the time of the conviction, with two sureties, in double the sum he has been adjudged to pay, to prosecute the appeal with effect, and to be forthcoming to abide the judgment and determination of the Court of General Sessions, and to pay such costs as may be awarded at the Sessions. R. S. O. 1887, c. 155, s. 43.

If judgment
affirmed.

44. In case the judgment is affirmed, the appellant shall immediately pay the sum adjudged to be forfeited, together with such costs as the Court awards, or in default thereof, he shall suffer the penalties inflicted by this Act upon persons who do not upon conviction pay the forfeitures thereby imposed. R. S. O. 1887, c. 155, s. 44.

[For procedure for recovery of penalties, etc., see Cap. 90.]

LIABILITY OF DIRECTORS OF COMPANIES FOR WAGES.

R. S. O., 1897, CAP. 191.

An Act respecting the Incorporation and Regulation of Joint Stock Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ontario Companies Act.*"

* * * * *

Liability of
directors for
wages.

85. The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. 60 V. c. 28, s. 82.

LIABILITY OF DIRECTORS OF MINING COMPANIES FOR WAGES.

R. S. O. 1897, CAP. 197.

An Act respecting the Incorporation and Regulation of Mining Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Mining Companies Incorporation Act*." 60 V. 29, s. 1.

2. All mining companies whether heretofore or hereafter incorporated under any general Act in force in Ontario shall be subject to the provisions of this Act. 60 V. c. 29, s. 13.

* * * * *

8. Notwithstanding anything contained in this Act, the directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. 60 V. c. 29, s. 6.

CO-OPERATIVE ASSOCIATIONS.

R. S. O., 1897, CAP. 202.

An Act Respecting Co-operative Associations.

INCORPORATION, ss. 1-4.
 PLACES WHERE BUSINESS MAY BE
 CARRIED ON, s. 3.
 LIMIT OF SHARES, s. 4.
 RULES, ss. 5-7.
 CAPITAL, s. 8.
 SHARES, ss. 9, 19.
 LIABILITY OF SHAREHOLDERS, s. 11.
 ELECTIONS OF TRUSTEES, ss. 12, 13.
 OFFICERS TO GIVE SECURITY, s. 14.
 ASSOCIATION TO GIVE PUBLICITY TO
 ITS NAME, s. 15.

BUSINESS TO BE A CASH BUSINESS,
 s. 16.
 Land may be bought on credit,
 s. 17.
 PENALTY FOR MISAPPLICATION OF
 FUNDS, s. 18.
 DISPUTES BETWEEN MEMBERS TO BE
 SETTLED BY ARBITRATION, s. 19.
 ANNUAL RETURN, s. 20.
 WINDING UP OF ASSOCIATION, s. 21.

HER MAJESTY, by and with the advice and consent of the
 Legislative Assembly of the Province of Ontario, enacts as
 follows:

Seven or more persons may associate together for co-operative labour, trade, etc.
 Rev. Stat. c. 205.
 1.—(1) Any seven or more persons who desire to associate themselves together for the purpose of carrying on any labour, trade or business, or several labours, trades or businesses, whether wholesale or retail, except the working of mines, minerals or quarries, and except also the business of banking and insurance, and the business of a loan corporation within the meaning of *The Loan Corporations Act*, may make, sign and acknowledge before a Notary Public or Justice of the Peace, in duplicate, and file in the office of the Registrar of the registry division in which the business of the association is intended to be carried on, a certificate in writing in the form set forth in the Schedule to this Act, or to the same effect, together with a copy of the rules agreed upon for the regulation, government and management of the association, signed by such persons respectively.

Signatures to rules to be verified.
 (2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before any Notary Public, Justice of the Peace, or Commissioner authorized to take affidavits in the High Court, or before the Registrar or Deputy Registrar.

Incorporation.
 (3) Upon the filing of the certificate and rules as aforesaid, the members of the association shall become a body corporate by the name therein described, with power to hold such lands as are required for the convenient management of their business. R. S. O. 1887, c. 166, s. 1 (1-3); 60 V. c. 38, s. 121, *part*.

Registrar to indorse certificate of filing if required.
 2. The Registrar or Deputy Registrar shall, if desired by the person filing the certificate, indorse upon the other duplicate certificate, and upon a duplicate of the rules, certificates of the other

duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie*, evidence of the facts stated therein and of the incorporation of the association. R. S. O. 1887, c. 166, s. 1 (4).

3. Any certificate so to be filed may designate any one or more Places where places where the business is to be carried on, but if in different registry divisions, a duplicate must be filed in the Registrar's office of each division. R. S. O. 1887, c. 166, s. 3.

4. No association shall be registered under a name identical with Identical that by which any other existing association has been registered, or names not so nearly resembling such name as to be likely to deceive the members or the public, and the word "Limited" shall be the last word in the name of any association registered under this Act. R. S. O. 1887, c. 166, s. 2.

5. Before an association commences operations under this Act, Rules to be they shall agree upon and frame a set of rules for the regulation, government and management of the association; and the rules of every association to be formed under this Act shall contain provisions in respect of the several matters following:

- (a) Mode of convening general and special meetings, and of altering rules;
- (b) Provisions for the audit of accounts;
- (c) Power and mode of withdrawal of members, and provisions for the claims of executors or administrators of members;
- (d) Mode of application of profits;
- (e) Appointment of managers and other officers, and their respective powers and remuneration, and provisions for filling vacancies occasioned by death, resignation, and other causes. R. S. O. 1887, c. 166, s. 5.

6. The rules of every association registered under this Act shall Rules to be bind the association and the members thereof to the same extent as if binding on each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant, on the part of himself, his heirs, executors and administrators, with the association to conform to such rules, subject to the provisions of this Act; and all moneys payable by any member to the association in pursuance of such rules, shall be deemed to be a debt due from such member to the association. R. S. O. 1887, c. 166, s. 6.

7. Subject to the requirements of section 5 and the provisions of Alteration of this Act, all rules made by the association may be repealed, altered or amended by other rules passed at any meeting of the association specially called for that purpose; but no new rule shall have any force or effect until a copy thereof, proved by the affidavit of the president or other head officer of the association to be a true copy of the rule passed by the association at a meeting specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed. R. S. O. 1887, c. 166, s. 1 (5).

Capital. 8. The capital of the association shall be in shares of such denomination as may be mentioned in the rules. R.S.O. 1887, c. 166, s. 7.

Limit of each member's shares. 9. A member of an association incorporated under this Act may have shares therein to an amount mentioned in any by-law of the association, provided the same does not exceed \$1,000. R.S.O. 1887, c. 166, s. 4.

Payment and transfer of shares. 10. The shares may be payable by instalments not exceeding twenty per cent. at such times and in such manner as may be mentioned in the rules; but no member shall be entitled to draw more than his proportion of interest on the paid up portion of his shares; and shares shall not be transferable, unless the rules provide for their transfer. Members may from time to time, withdraw upon such terms as may be specified in the rules. R. S. O. 1887, c. 166, s. 8.

Liability of shareholders limited. 11. The liability of the shareholders shall be limited, that is to say: no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association, beyond the amount of his share or shares subscribed for; and any shareholder having fully paid up the amount of his said share or shares shall not be subject to any further liability. R. S. O. 1887, c. 166, s. 19.

Elections. 12. All elections shall be by ballot, and each member shall be entitled to one vote only. R. S. O. 1887, c. 166, s. 9.

Provision in case of failure of any election 13. In case it happens at any time that an election of trustees is not made on the day designated in the rules of the association, when it ought to have been made, the association shall not for that reason be dissolved, but an election may be held on any other day in such manner as may be provided for in the rules, or at a general meeting of the members, to be specially called for that purpose, due notice being given of such election as in the rules provided, and all acts of trustees, until their successors are appointed, shall be valid and binding. R. S. O. 1887, c. 166, s. 10.

Officers to give security. 14. Every person appointed to an office touching the receipt, management or expenditure of money, or with the receipt of goods, wares or merchandise for the purposes of the association, shall before entering upon the duties of his office, give such security as is deemed sufficient by the trustees, which security shall be varied in amount or renewed from time to time, as by the amount of business done, or by other circumstances may, from time to time, in the discretion of the trustees be rendered necessary. R. S. O. 1887, c. 166, s. 11.

Every association to give publicity to its name. 15. Every association registered under this Act shall have painted or affixed, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of the association, and in all cheques and orders for money or goods, purporting to be signed by or on behalf of the association, and in all bills of parcels, invoices, receipts and letters of credit of the association. R. S. O. 1887, c. 166, s. 12.

16. The business of the association shall be a cash business exclusively; no credit shall be either given or taken, and no officer, member or servant of the association, or any number of them together, shall have power to contract any debt whatever in its name, except in respect of rent of the premises required for the business, the salary of clerks and servants, and such like contracts, necessary in the management of the affairs of the association; everything shall be bought and sold for cash only. Business to be for cash only. R. S. O. 1887, c. 166, s. 13.

17. Notwithstanding the provisions of the preceding section, the association may purchase on credit real estate for the purpose of occupation by the association in carrying on the business thereof, and may give a valid mortgage on any estate so purchased for an unpaid balance of the purchase money, subject to any by-law in that behalf. Power to purchase land on credit. R. S. O. 1887, c. 166, s. 14.

18. If an officer, member or other person, being or representing himself to be a member of the association, or the heirs, executors or administrators of a member thereof, or any person whomsoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers or other effects of the association, or having the same in his possession, withholds or misapplies the same, or willfully applies any part of the same to purposes other than those expressed or directed in the rules of the association, or any part thereof, any Justice of the Peace, acting in the county or city in which the place of business of the association is situated, upon complaint made by any person on behalf of the association, may summon the person against whom such complaint is made to appear at a time and place to be named in the summons, and any two Justices present at the time and place mentioned in the summons shall proceed to hear and determine the said complaint, and if the Justices determine the complaint to be proved against such person, they shall adjudge and order him to deliver up all such money, securities, books, papers, or other effects to the association, or to repay the amount of money applied improperly, and to pay, if they think fit, a further sum of money not exceeding \$80, together with costs not exceeding \$4; and in default of such delivery of effects, or payment of such amount of money, or payment of such penalty and costs aforesaid, the Justices may order the person so convicted to be imprisoned in the common gaol with or without hard labour for any term not exceeding three months. Officers or persons obtaining improper possession of money, etc., or misapplying the same. Penalty. R. S. O. 1887, c. 166, s. 15.

19. Every dispute between any member or members of an association established under this Act, or any person claiming through or under a member, or under the rules of the association, and the trustees, treasurer or other officer thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal. Disputes to be settled by arbitration. R. S. O. 1887, c. 166, s. 16.

20. The trustees shall, once in every year, transmit to the Provincial Secretary a general statement of the funds and effects of the association, the number of shareholders therein, and such other information as may be requisite to shew clearly the position of the association, and the business done during the year, which return shall be Annual return to Provincial Secretary.

verified by the affidavit or declaration of the president and manager.
R. S. O. 1887, c. 166, s. 17.

Winding up
of affairs in
case of disso-
lution.

21. In case of the dissolution of such association, the association shall nevertheless be considered as subsisting, and be in all respects subject to the provisions of this Act, so long and so far as any matters relating to the same remain unsettled, to the intent that the association may do all things necessary to the winding up of the concerns thereof; and may sue and be sued under the provisions of this Act, in respect of all such unsettled matters. R. S. O. 1887, c. 166, s. 18.

SCHEDULE.

(Section 1.)

FORM OF CERTIFICATE.

PROVINCE OF ONTARIO, } We (insert names of subscribers not less than
To Wit: } seven) do hereby certify that we desire to form an
Association pursuant to the provisions of Chap-
ter 202 of The Revised Statutes of Ontario, entitled *An Act Respecting Co-
operative Associations*.

The corporate name of the Association is to be (insert name of the Association), Limited; and the objects for which the Association is to be formed are (insert objects for which Association is formed). The number of shares is to be unlimited, and the capital is to consist of shares of (insert amount of share) each, or of such other amount as shall from time to time be determined by the Rules of the Association. The number of the Trustees who shall manage the concerns of the Association shall be (insert the number of Trustees), and the names of such Trustees for the first year are (insert names of such Trustees), and the name of the place (or places) where the operations of the said Association are to be carried on is (or are) (insert name of place or places where the operations of the Association are to be carried on).

Dated the _____ day of _____

(Signatures.)

On the _____ day of _____, A.D., 18____, before me personally appeared (insert names of subscribers to the certificate), to me known to be the individuals described in the foregoing certificate, and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes herein mentioned.

[A. B.]

Notary Public,
or Justice of Peace.

R.S.O. 1887, c. 166, Schedule.

INSURANCE BY TRADES UNIONS.

R. S. O., 1897, CAP. 203.

An Act Respecting Insurance.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

1. This Act may be cited as "*The Ontario Insurance Act*," 60 V. c. 36, s. 1.

33—(1) Where a friendly society, registered under this Act has its head office elsewhere than in the Province of Ontario, the Grand or other Provincial body, or the lodges or a majority of the lodges situated in the Province may file with the Insurance Registrar an application or applications for Provincial incorporation, setting forth the facts of the case and the proposed corporate name, and head office, and the purposes and rules of the society ; also naming those persons who are to be its first trustees or managing officers, and stating the mode in which their successors are to be elected ; also furnishing such other information as the Registrar requires.

(2) Upon due application made the Registrar may name a day for the hearing of the application, and such public notice of the hearing shall be given in the *Ontario Gazette* and otherwise as the Registrar directs.

(3) If, upon the hearing, it appears to the Registrar that such incorporation ought to be granted, he shall have authority to certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office, that he finds entitled to incorporation under the name and for the purposes specified in the certificate, the persons mentioned therein.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Insurance Registrar by his certificate requires to be filed ; and from the day of such filing the persons mentioned in the Insurance Registrar's certificate and their associates and successors shall henceforth be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies.

(5) Upon due application the Insurance Registrar shall have authority to admit to registry as a friendly society the body so incorporated.

38—(1) Upon like proceedings taken as enacted in section 33, incorporation may be granted in either of the two following cases :

(a) Where any trade or labour union, or trade or labour organization purposes to undertake contracts with its own members

Incorporation of trade unions and wage-earners' societies.

exclusively, for any of the insurance benefits enumerated in and permitted by clause 3 of section 62, or contracts to furnish tools or to pay unemployed or superannuation benefits to the said members.

- (b) Where any organization of persons resident in Ontario, consisting of not less than twenty-five members and managed and operated as a friendly society under rules conforming to this Act purposes to contract with its own members exclusively for sick benefits, not exceeding five dollars per week and a funeral benefit of not more than one hundred dollars, or either of such benefits.

Registry of
bodies so in-
corporated.

- (2) The body so incorporated may, upon due application, be admitted to register as a friendly society; but unless and until so registered, the corporation shall not undertake, nor agree or offer to undertake, any contract insuring the said or other insurance benefits. 90 V. c. 36, s. 38.

Merger of
prior incor-
poration.

39. Where any society, association, union, organization or lodge already incorporated under a prior Act of this Province becomes incorporated under this Act, such prior incorporation shall be deemed to have been merged in and superseded by the said latter incorporation. 60 V. c. 36, s. 39.

* * * * *

What societies
may be
registered.

60. In addition to friendly societies standing duly registered as such at the passing of this Act, the following shall be admissible to registry on the Friendly Societies Register:

Societies in-
corporated
under certain
sections.

1. Societies from time to time incorporated by virtue of sections 33, 34, 36, 37 and 38 of this Act;

Insurance
and benefit
societies or
funds in con-
nection with
sundry cor-
porations.

2. Any corporation not provided for elsewhere herein which has, by virtue of an Act of the Parliament of Canada, an insurance and provident society or association, or an insurance or guarantee fund in connection with the corporation, may upon due application for registry under this Act, be registered on the Friendly Society Register;

Trade union
insurance
benefit
societies.

3. Any lawfully incorporated trade union in Ontario which, under the authority of the incorporating Act, has an insurance or benefit fund for the benefit of its own members exclusively, shall, upon due application for registry hereunder be entitled to be registered on the Friendly Society Register;

Proviso.

- (a) Provided, that where any *bona fide* trade union or labour organization provides by its constitution, by-laws or rules for the assistance, relief or support of its members, the Registrar may, by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act; and such certificate shall remain valid until by like writing revoked; and the organization so exempted shall not be subject to any penalty imposed by this Act;

Insurance
gratuity fund
created by an
Act of Can-
ada.

4. Any corporation in Ontario which at the passing of this Act has under authority of an Act of Canada created a fund for paying a gratuity on the happening of death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition,

shall, upon due application for registry hereunder, be entitled to be registered on the Friendly Society Register;

5. Any association of the civil servants or employees of the Dominion of Canada, incorporated by virtue of an Act of the Parliament of Canada, may, upon due application be admitted to registry.

* * * * *

60 V. c. 36, s. 60, *part*.

RAILWAY COMPANIES—BY-LAWS AFFECTING EMPLOYEES.

R. S. O., 1897, CAP. 207.

An Act Respecting Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Railway Act of Ontario*," R. S. O., Short title. 1887, c. 170, s. 1.

* * * * *

87. Every railway company shall make such by-laws, rules and regulations to be observed by the conductors, engine-drivers, and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for insuring the perfect carrying into effect of the provisions of this part of this Act and the orders and regulations of the Lieutenant-Governor in Council. R. S. O. 1887, c. 170, s. 87.

88. Any railway company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain such forfeiture out of the salary or wages of the offender. R. S. O. 1887, c. 170, s. 88.

89. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof, to the officer, servant or person, or that he signed the copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. R. S. O. 1887, c. 170, s. 89.

90. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained. R. S. O. 1887, c. 170, s. 90.

* * * * *

NOTE.—*The Electric Railway Act, R. S. O., 1897, c. 209, contains four sections (137-140) exactly similar in terms to the above.*

STREET RAILWAYS—LIEN FOR WAGES.

R. S. O., 1897, CAP. 208.

An Act Respecting Street Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as "*The Street Railway Act.*" R. S. O., 1887, c. 171, s. 1.

* * * * *

Lien for wages **35.** Every mechanic, labourer or other person who performs labour for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act.* 59 V. c. 50, s. 19.

* * * * *

Rev. Stat.
c. 153.

IMMIGRATION AID SOCIETIES.

R. S. O. 1897, CAP. 212.

An Act respecting Immigration Aid Societies.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
IMMIGRATION DISTRICTS AND AGENTS, s. 3.
FORMATION OF SOCIETIES, ss. 4-6
POWERS AS TO LENDING AND BORROWING MONEY, s. 9.
MODE IN WHICH SOCIETY MAY PROCURE EMPLOYMENT FOR IMMIGRANTS, ss. 10-12.

ADVANCES TO IMMIGRANTS, s. 13.
Recovery of advances, ss. 14-15.
INSPECTOR OF SOCIETIES, s. 16.
EXAMINATION OF IMMIGRANTS AND WITNESSES, s. 17.
INSTRUMENTS AUTHORIZED BY THIS ACT MAY BE DRAWN IN ANY LANGUAGE, s. 18.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PRELIMINARY.

Short title. **1.** This Act may be cited as "*The Ontario Immigration Aid Societies Act.*" R. S. O. 1887, c. 174, s. 1.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

1. "Minister of Agriculture" and "Minister" shall include any Interpretation deputy or officer authorized to perform the duty, or exercise the power Minister of Agriculture. in question;

2. "Immigration" or "Immigrant" shall include "Emigration" or "Immigrant," when it refers to the act of leaving or to a person about to leave Europe or elsewhere for Ontario; "Immigrant."

3. "Society" shall mean the Ontario Immigration Aid Society "Society." which the context indicates or refers to. R. S. O. 1887, c. 174, s. 2.

3. The Minister of Agriculture shall from time to time divide the Immigration Province of Ontario into immigration district, either by counties, Districts, ridings or municipalities, as seems to him most expedient; and in each agents and officer. of such districts there shall be an immigration office and an immigration agent; and such division, and any future alteration thereof, shall be notified in the *Ontario Gazette* as the immigration district of the place where the immigration office is kept. R. S. O. 1887, c. 174, s. 3.

4. In each of such districts an Immigration Aid Society or Societies Formation of may be formed and constituted under this Act, for the purpose of assisting emigrants to reach Ontario from Europe and elsewhere; and of such societies and their purpose. obtaining employment for them on their arrival in the Province; and of enabling persons in Ontario in want of labourers, artisans or servants to obtain them by such immigration; every such society shall consist of not less than twenty-five persons whether resident or not in the immigration district, agreeing to form such society and to subscribe among them, as the capital of the society, not less than \$500, in fifty shares of \$10 each, one-fourth of which, at least, shall be paid on subscribing the declaration of membership hereinafter mentioned, into the hands of a person agreed upon as their secretary-treasurer, by the persons (not being less than twenty-five) present at the meeting at which it is agreed to form such society. R. S. O. 1887, c. 174, s. 4.

5. The persons agreeing to form such society shall elect or agree upon Subscription and capital. a president, secretary-treasurer and board of management, composed of not less than five members, including the officers above mentioned; and shall adopt a constitution and by-laws; and shall respectively sign a declaration to the effect following:

"We, the undersigned, hereby associate ourselves together as 'The Immigration Aid Society. No.—, of the Ontario Immigration District of—,' and we hereby bind ourselves to observe and obey all the requirements of *The Ontario Immigration Aid Societies Act*, and to pay respectively into the hands of the secretary-treasurer the amount of stock set opposite our respective names. one-fourth on subscribing this declaration and the remaining three-fourths by the instalments and in the manner hereinafter provided; and we further bind ourselves to observe and obey the constitution and by-laws of the Society, which are as follows:

Then shall follow the constitution and by-laws, which shall declare Constitution and rules of the objects of the society to be those mentioned in section 4, and such other special objects (if any) as it may be thought necessary to enumerate, and shall contain the names of the first president, secretary-

treasurer and members of the board of management; the place where the society shall have its office and hold its meetings; the manner in which the remainder of the stock of the society shall be paid up; the annual subscription to be paid by members, if such subscription is deemed advisable; the admission of new members; the duties and powers of the board of management and officers; the periods for which they shall retain office; the regular meetings of the society; the mode of calling and holding special meetings; the number required for a quorum, and mode of voting thereat; the manner of filling vacancies in the board of management, or of the performance of their duties, in their absence, by others; the period for which the society shall continue; the mode of dividing its assets or profits from time to time during such period; and generally such provisions as may be advisable or expedient for the well working of the society, and the attainment of the objects for which it is formed; then shall follow the signatures of members, and in columns opposite thereto the amount of stock for which they respectively subscribe, and the amounts paid up; the declaration shall then be dated and attested by the signatures of the president and secretary-treasurer. R. S. O. 1887, c. 174, s. 5.

Signatures of members.

Attestation.

Duplicates of declaration to be sent to the Minister for approval and certificate.

6. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the secretary-treasurer, through the agent for the district, to the Minister of Agriculture, who shall cause them to be compared with this Act, and if the declaration is not found conformable thereto, the Minister shall return the duplicates to the secretary-treasurer, informing him of the fact, and of the objection to which the declaration is liable; but if it is found to be so conformable, he shall certify the fact under his hand and seal on both duplicates, and shall retain and keep one of them in his office, and shall return the other to the secretary-treasurer. R. S. O. 1887, c. 174, s. 6.

Minister to number societies in order.

7. If there is no other Immigration Aid Society in the district, the Minister shall treat the society as Number One, and shall fill the blank left in the declaration for that purpose with that number; but if there be another or others, he shall give each a number in the order in which he certifies the declarations, and shall fill the blank in each with its proper number, according to such order. R. S. O. 1887, c. 174, s. 7.

On approval. Society to become a corporation.

Rev. Stat. c. 191.

Seal.

Execution of documents.

Evidence of duplicates.

8 As soon as the declaration is approved and certified as aforesaid, the society shall be a body politic and corporate, by the name taken in the declaration, including the number given by the Minister, and shall have all the powers, rights and immunities assigned to corporations by *The Ontario Companies Act*, including the right to have a corporate seal if the society thinks fit; but it shall not be necessary that the corporate seal (if the society has one) be affixed to any document in order to make it the act or the deed of the corporation, but it shall be sufficient for that purpose that the document be signed by the secretary-treasurer and countersigned by the president of the society as such, or by the person or persons acting *pro tempore* in their stead, nor shall the authority or capacity of any person signing the same or his signature be called in question by any but the corporation, and if not so questioned it shall be admitted in evidence without proof; and any document purporting to be the duplicate copy of the declaration signed and sealed by Minister, shall be admitted as evidence of the facts stated therein, the without proof of his signature, unless it is called in question by himself or by his authority. R. S. O. 1887, c. 174, s. 8.

9 The society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration, and to lend and to borrow money, and to take or give security for the same and to become a party to any promissory note, bill of exchange or other negotiable instrument or security, in the manner provided as to other documents by section 8; and may receive assistance in money or otherwise from municipal or other corporations, or from any institution, society or person, towards enabling them to attain the objects of this Act, on such terms and conditions as may be agreed upon, not inconsistent with this Act or with law; but the total amount of the liabilities of the society shall never exceed the amount of its capital subscribed, but not paid up. R. S.O. 1887, c. 174, s. 9.

Powers of society to lend and borrow money.
Provide; total liability limited.

10 The society may receive applications from persons desiring to obtain artizans, workmen, servants or labourers from the United Kingdom, or from any part of Europe or elsewhere, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Ontario, in any manner, at any rate of wages, and for any period, under such penalties as damages for non-performance as may be stipulated under such contract, and may receive in advance all or any part of the money to be expended by the society, or take security for the repayment of all or any part thereof to the society by instalments, or in one sum, as may be agreed upon. R.S.O. 1887, c. 174, s. 10.

Society may receive applications for the employment of immigrants, and act upon them.

11 The secretary-treasurer shall forthwith transmit every such application, with the requisite information, and details, to the immigration agent of the district, with the amount the society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other travelling charges of the immigrants required, from their home in Europe to the place in Ontario where they are required. R.S.O. 1887, c. 174, s. 11.

Applications to be forwarded to district agent, with report of society's action thereon.

12 The immigration agent shall forthwith transmit every such application, and the money received by reason thereof, to the immigration agent or commissioner of the Province of Ontario in the United Kingdom or elsewhere, who shall thereupon take the necessary measures for procuring and forwarding to the society such immigrant or immigrants as may be required by the application; and the immigration agent shall, from time to time, furnish the Minister of Agriculture with such information and details respecting such application as the said Minister may require. R.S.O. 1887, c. 174, s. 12.

Applications to be transmitted to agents in Europe with funds advanced; their duties.

13 If it is the intention of the society or of the applicant that the whole or part of the money advanced towards defraying the expenses of emigration shall be repaid by the immigrant, either in one sum or in instalments, it shall be the duty of the emigration agent or commissioner of the Province, in Europe, making the arrangements for the passage of the intending emigrant to Canada, to take from the emigrant an undertaking, binding him to repay such money to the society in Ontario in one sum or by instalments, at certain periods, and with or without interest, according to the instructions given by the secretary-treasurer, and he shall witness the execution of such instrument;

Agents in Europe to take security from emigrants for repayment of advances

Sums advanced to emigrants in United Kingdom may be included.

and if any sum of money has been advanced to the emigrant for like purposes by any society, or institution or individual in the United Kingdom, such sum may, with the consent of such society, institution or individual, be included in the amount for which such instrument is given, and may be recovered by the Ontario society aforesaid, and being so recovered shall be paid over, without charge, to the society, institution or individual by whom it was advanced, to whom, as well as to the Ontario society, the agent or commissioner of emigration witnessing the execution of the instrument shall notify any such amount. R.S.O. 1887, c. 174, s. 13.

Recovery of amount of advances.

14. Any sum due as an instalment upon such instrument shall be recoverable in any way in which a like sum is recoverable in the place where the action is brought, although the instrument includes a further sum not then due. R.S.O. 1887, c. 174, s. 14.

Emigrant may bind himself to serve nominee of the society for the amount of the advance.
Rev. Stat. c. 157.

15. Subject to the provisions of section 8 of *The Act respecting Master and Servant*, any emigrant who might make such instrument, as aforesaid, may, in like manner, execute an instrument witnessed as above provided, binding himself or herself, in consideration of the sum advanced by the society therein named, to accept employment of the kind to be therein stated from any named person in the immigration district in which the society is formed, or with any person in such district whom the society may designate to the immigrant on his or her arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named, not exceeding six months, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his or her wages, at a period or periods to be designated in such instrument, such sum or sums as shall also be therein designated, and to pay the same to the society, on account of any money due by the immigrant to it; and such instrument may be enforced by the society accordingly, by civil action in any Court having jurisdiction to the amount then due against the immigrant; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him in such instrument shall be an offence cognizable before any one Justice of the Peace, and punishable by a fine not exceeding \$20, and costs, and the fine, if paid, shall belong to the society, and be paid over to it by the Justice of the Peace; but the payment of such fine shall not prevent or affect any civil remedy of the society under such instrument. R.S.O. 1887, c. 174, s. 15.

How each obligation may be enforced.

Appointment of Inspector of Immigration Societies.

16. The Minister of Agriculture shall, in his discretion, appoint, instead of district agents hitherto mentioned in the preceding sections of this Act, an Inspector of Immigration Societies, whose duties shall be to generally superintend the working of such societies and to act in the place of the said district agents; or he may appoint the immigration agents of the Dominion Government to act as Provincial district agents for their respective agency districts. R. S. O. 1887, c. 174, s. 16.

Minister, etc., may examine immigrants regarding assistance extended by this Act.

17. The said Minister of Agriculture and the inspector, district agents, or other persons who may be appointed by the Minister, shall have power to examine under oath any person or immigrant touching any of the provisions relative to assisted emigration contained in this Act; and shall have the same power to enforce the attendance of such

persons or immigrants, and to compel them to give evidence, as is vested in the High Court in civil cases. R. S. O. 1887, c. 174, s. 17.

18. Any negotiable or other instrument authorized by this Act ^{Foreign lan-} may be drawn in any foreign language understood by the person ^{whose} executing it; and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent sums of currency in Canada. R. S. O. 1887, c. 174, s. 18.

MUNICIPAL MATTERS.

R. S. O. 1897, CAP. 223; 61 V. c. 23.

An Act respecting Municipal Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PRELIMINARY.

1. This Act may be cited as "*The Municipal Act*," and shall not affect the provisions of any special Act relating to any particular municipality. 55 V. c. 42, s. 1, s. 674 *part*.

* * * * *

HOURS FOR NOMINATION AND POLLING.

123. Notwithstanding anything contained in sections 118 and 119 of the *Act*, the hour for the nomination of candidates for the offices of aldermen and councillors, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon; and the council of any town or village may by by-law provide that the nomination for mayor, reeve, deputy-reeve or deputy-reeves and councillors may be held at half-past seven o'clock in the evening instead of the hours in the said sections mentioned. 55 V. c. 42, s. 107, (4), 109, *part*.

* * * * *

128. * * * * *

(4) The said poll or polls shall be so opened at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. Provided, however, that in cities of over 100,000 inhabitants the council may by by-law to be passed before the fifteenth day of November in any year extend the time for holding the election until seven o'clock in the afternoon and no longer.

* * * * *

POWERS OF POLICE COMMISSIONERS AS TO LIVERY STABLES, ETC.

484—(1) The Board of Commissioners of Police shall, in cities ^{Licensing and} license and regulate second-hand shops and junk stores or shops ^{regulating} and the owners of livery stables and of horses, cabs, carriages, carts, and junk ^{second hand} trucks, sleighs, omnibuses and other vehicles regularly used for hire ^{shops, livery} within the said city whether such owners are resident or non-resident ^{stables, cabs,} etc., in cities.

therein, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates; and for such purposes shall pass by-laws and enforce the same in the manner in which and to the extent to which any municipal by-law passed under the authority of this Act may be enforced. 55 V. c. 42, s. 436 (1).

(2) The Board of Commissioners of Police in any city may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable or sale or boarding stable, or stable in which horses are to be kept for hire or for express purposes shall be established or maintained. 55 V. c. 42, s. 436 (2); c. 43, s. 25; 56 V. c. 35, s. 11; 59 V. c. 51, s. 9; 60 V. c. 15, *Sched. C* (116).

(3) The Board of Commissioners of Police in any city shall pass a by-law or by-laws for regulating the hours of labour of persons employed in livery or boarding stables, or as drivers of cabs, carriages or sleighs kept for hire within the said city, and may also pass by-laws for regulating the hours of labour of persons employed by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire within the said city, and for licensing drivers of cabs within the said city. 60 V. c. 45, s. 52.

Control of
children.

(4) The Board of Commissioners of Police shall also regulate and control children engaged as,

- (a) Express or despatch messengers;
- (b) Vendors of newspapers and small wares;
- (c) Bootblacks. 55 V. c. 42, s. 436 (3).

Bands of
music.

(5) The Board of Commissioners of Police in any city, and the council of any town, may regulate or prohibit the playing of bands and of musical instruments on any street, highway, park or public place in the city; but this shall not apply to any military band attached to any regular corps of the militia of Canada when on duty under the command of its regular officer. 55 V. c. 42, s. 436 (5).

PROTECTION OF WORKMEN AND OTHERS ON BUILDINGS.

By-laws for

541. By laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say;

By the councils of townships, cities, towns and villages:

Construction
of hoists,
scaffolding,
etc.

1. For inspecting and regulating the construction and erection of hoists, scaffoldings and other constructions used in erecting, repairing, altering or improving buildings, chimneys, or other structures; and for making all necessary regulations for the protection and safety of workmen and other persons employed thereon; and for appointing inspectors of scaffolding. 55 V. c. 42, s. 489 (16a).

Egress from and Construction of Buildings.

. By the councils of counties, townships, cities and villages:—

2. For regulating the size and number of doors in churches, theatres, ^{Doors, of} halls, or other buildings used for places of worship, public meetings or ^{public build-} places of amusement, and the street gates leading thereto; and the construction and width of stairways in churches, theatres, halls or other places used for public worship, public meetings or places of amusement, and in factories, warehouses, hotels, boarding and lodging houses; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings, and the strength of walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations. 55 V. c. 42, s. 479 (16); and see Cap. 263.

3. For preventing the obstruction of the halls, aisles, passage-ways, ^{Powers of} alleys or approaches in any such buildings or leading thereto during ^{police officers} the occupation of the same by any public assemblage. 58 V. c. 42, ^{as to seeing} ^{that by-laws} ^{enforced} s. 18.

(a) During the time that any church, theatre, hall, or other ^{Regulating} building situated in any city or town and used for a place ^{means of} of worship, public meeting or place of amusement is occupied ^{by means of} by an assemblage of persons, the chief constable or any ^{persons, etc.,} buildings. police officer or member of the police force of the city or town may enter any such church or other building to see that the by-laws of the municipality for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in such building or leading thereto are not being violated, and to require the removal therefrom of any obstructions which may be placed in such halls, aisles, passage-ways, alleys or approaches thereto. 58 V. c. 42, s. 19.

4. For regulating the size and strength of brick walls, beams, joists, ^{Size and} rafters, roofs and their supports of all buildings to be erected or repair- ^{strength of} ed within the municipality, and for compelling the production of the ^{walls, etc.,} plans of all buildings for inspection: and for enforcing observance of ^{and produc-} such regulations. 55 V. c. 42, s. 479 (16a.) ^{tion of plans}

Hoists and Elevators.

5. For licensing and inspecting elevators and hoists for passengers or ^{Licensing and} freight, used by the public or by employees, and for imposing and ^{inspecting} enforcing penalties for infringement of such by-laws, and for prohibit- ^{hoists, eleva-} ing and preventing the use of elevators or hoists contrary to the pro- ^{tors, etc.} visions of such by-law. But the provisions in this clause contained shall be subject to those of *The Ontario Factories Act* and of any other Act making provisions applicable to elevators and hoists. 60 V. c. 45, ^{Rev. Stat.} s. 11. ^{c. 256.}

By the councils of cities, towns and villages:—

6. For regulating the construction of cranes, hoists and elevators, ^{Erection of} and for determining the manner in which elevators in buildings shall hoists and be constructed and worked (whether automatically or otherwise) and ^{elevators.} for providing for the inspection of all cranes, hoists and elevators: but none of the provisions of such by-laws shall be inconsistent with *The Ontario Factories Act* so far as the same provides for the regulation or ^{Rev. Stat.} construction of cranes, hoists and elevators. 55 V. c. 42, s. 496 (9a.) ^{c. 256.}

* * * * *

CAB STANDS AND BOOTHS.

By-laws for **559.** By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

* * * * *

By the councils of cities, towns and villages :—

Cab stands. 3. For authorizing, and for assigning stands for vehicles kept for hire on the public streets and places ; and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places, for the protection or shelter of the drivers of such vehicles.

Provided. Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth. 55 V. c. 42, s. 496. (38).

* * * * *

By-laws for **569.**—(1) By-laws may be passed by the councils of cities and towns :—

Street rail-ways. For building, equipping, and maintaining and operating street railways in, along and over such streets of the city or town and subject to and upon such terms as the Lieutenant Governor in Council may approve ; and for leasing the same from time to time on such terms as may be determined on ; and for levying an annual special rate to defray the yearly interest on the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years.

Provided that the powers conferred by this sub-section shall not apply to a municipality in which there is an existing street railway constructed or operated under any agreement or contract between the municipality and any street railway company. 55 V. c. 42, s. 504 (14).

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(2) A municipal corporation which builds, constructs, owns, or manages a street railway shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under *The Street Railway Act*, except where the same conflict or are inconsistent with or are repugnant to the rights, powers, liabilities or duty of a municipal corporation as provided by law. Nothing herein contained shall relieve any municipality from its obligations and liabilities in respect of roads, streets, highways or bridges as provided by this Act. 55 V. c. 42, s. 504 (15).

**Power to
operate
extension of
street railway
in adjoining
municipality.**

(3) In addition to the powers given and contained in sub-section 1 of this section any city or town operating or proposing or intending to build or operate a street railway within its own limits may also pass by-laws for building, equipping, maintaining and operating any extension of any such street railway in any adjoining municipality (with the consent of such adjoining municipality by by-law, and subject to and upon such terms as the Lieutenant-Governor in Council may approve) upon the same terms and subject to the same conditions and provisions of law as any street railway company may build, maintain or operate any street railway under *The Street Railway Act* ; and such city or town building, constructing, owning or managing a street railway extending beyond its territorial limits (and authorized as aforesaid and

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c. 208.**

with the consent aforesaid) shall not be held to be illegally expending money, merely because it is expended upon or in connection with such portion of said street railway as extends beyond its territorial limits. 55 V. c. 42, s. 504 (16).

Electric Street Railways.

(4) By-laws may be passed by the councils of cities :—

For compelling every electric railway company, operating its railway within the limits of such city, to provide proper and sufficient enclosed vestibules upon its street cars to protect the motormen and persons in charge of such cars, from exposure to cold, snow, rain or sleet, during the months of November, December, January, February and March in every year, while engaged in operating the cars. 57 V. c. 50, s. 11.

* * * * *

SCHOOLS FOR ARTISANS.

587. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

Schools for Artisans. Art Schools.

By the councils of counties, cities and separated towns :—

10. For establishing schools for the training and education of artisans, mechanics and workmen in such subjects as may promote a knowledge of mechanical and manufacturing arts, and for acquiring such real property as may be requisite for such schools ; and for erecting and maintaining suitable buildings thereon ; and for improving and repairing such school buildings, and for disposing of such property when no longer required.

(a) The councils of any municipalities establishing such schools may appoint boards of trustees or managers to conduct the schools, giving them such authority or power for the management of the same, as the councils may deem expedient. 55 V. c. 42, s. 495 (13).

11. For making grants in aid of such schools as may be deemed expedient. 55 V. c. 42, s. 495 (14).

12. For granting such aid to art schools, approved by the Education Department, as they may deem expedient. 58 V. c. 42, s. 25.

[As to Technical Schools, See Cap. 301.]

PUBLIC MEETINGS.

R. S. O. 1897, CAP. 230.

An Act respecting Public Meetings.

PUBLIC MEETINGS DEFINED, ss. 1-3.
 Notices to constitute, ss. 4-8.
 SHERIFF, MAYOR OR MAGISTRATES
 TO ATTEND MEETING CALLED BY
 THEM, s. 9.

PROCEDURE AT MEETING, s. 10.
 POWERS OF CHAIRMAN, ss. 11-12.
 SPECIAL CONSTABLES, s. 13.
 LIMITATION OF ACTIONS, s. 14.

WHEREAS it is the undoubted right of Her Majesty's subjects **Preamble.**
 to meet together in a peaceable and orderly manner, not only
 when required to do so in compliance with the express direction
 of law, but at such other times as they may deem it expedient so to
 meet for the consideration and discussion of matters of public interest,
 or for making known to their Gracious Sovereign or Her Representa-
 tive in this Province, or to both or either of the Houses of the Imperial
 or Dominion Parliaments or to the Provincial Legislature, their views
 respecting the same, whether such be in approbation or condemnation
 of the conduct of public affairs; and it being expedient to make legis-
 lative provision for the calling and orderly holding of such meetings
 and the better preservation of the public peace at the same;

Therefore Her Majesty, by and with the advice and consent of the
 Legislative Assembly of the Province of Ontario, enacts as follows:

1 All public meetings of the inhabitants or of any particular class "Public meet-
 of the inhabitants of any district, county, riding, city, town, township ^{ings} within
 or ward in this Province, which are required by law, and summoned ^{the protection} of this Act.
 or called in the manner hereinafter by section 4 of this Act prescribed,
 shall be and be deemed to be public meetings within the meaning of
 this Act. R. S. O. 1887, c. 187, s. 1.

2 All public meetings of the inhabitants or of any particular class "Public meet-
 of inhabitants of any district, county, riding, city, town, township or ^{ings} called
 ward in this Province, called by the sheriff of any such district or ^{by Sheriff or}
 county, or by the mayor or other chief municipal officer of any such ^{two magis-}
 city or town respectively, in the manner hereinafter by section 5 ^{trates to be}
 of this Act prescribed, upon the requisition of any twelve or more ^{within protection}
 of the freeholders, citizens or burgesses of the district, county, riding, ^{of this}
 city, town, township or ward, having a right to vote for members to ^{Act.}
 serve in the Legislative Assembly; and all such meetings called by
 any two or more Justices of the Peace resident in any such district,
 county, riding, city, town, township or ward respectively, upon a like
 requisition from twelve or more of such freeholders, citizens or
 burgesses, shall be and be deemed to be public meetings within the
 meaning of this Act. R. S. O. 1888, c. 187, s. 2.

3. All public meetings of the inhabitants or of any particular class of the inhabitants of any district, county, riding, city, town, township or ward in this Province, declared to be public meetings within the meaning of this Act by any two Justices of the Peace resident in such district, county, riding, city, town, township or ward, in the manner hereinafter by section 6 of this Act prescribed, shall be and be deemed to be public meetings within the meaning of this Act. Public meetings declared by two magistrates to be within the protection of this Act to be so.

R.S.O. 1887, c. 187, s. 3.

4.—(1) In every notice or summons for calling together any such public meeting as in section 1 of this Act is mentioned, there shall be contained a notice that such meeting, and all persons attending the same, will be within the protection of this Act, and requiring all persons to take notice thereof and govern themselves accordingly. Manner of bringing meetings required by law within protection of this Act.

(2) Such part of the notice or summons may be in the form or to the effect following :

And be it known, that the meeting to be held in pursuance hereof is called in conformity with the provisions of Chapter 230 of *The Revised Statutes of Ontario, 1897*, entitled *An Act respecting Public Meetings*; and that the said Meeting and all the persons attending the same will therefore be within the protection of the said Act, of all which premises, all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

R.S.O. 1887, c. 187, s. 4.

5. The notice to be issued by the sheriff of any county, or by the mayor or other chief municipal officer of any city or town, or by two or more Justices of the Peace, for calling any such public meeting as in section 2 of this Act is mentioned : Manner of bringing meetings called by sheriffs etc., within the protection of this Act.

1. Shall be issued at least three days before the day upon which such meeting is appointed to be held ; and shall set forth

(a) The names of the requisitionists, or of a competent number of them ;

(b) That such meeting is called in conformity with the provisions of this Act ; and

(c) That such meeting, and all persons attending the same, will be within the protection of this Act, and that all persons are required to take notice thereof and govern themselves accordingly.

2. Such notice may be in the form or to the effect of Schedule A to this Act. R.S.O. 1887, c. 187, s. 5.

6. Upon information on oath, before any Justice of the Peace, that any public meeting of the inhabitants, or of any particular class of the inhabitants of any district, county, riding, city, town, township or ward, not being a public meeting of the description mentioned in section 1 of this Act, or a public meeting called in the manner referred to in section 2 of this Act, is appointed to be held at any place within the jurisdiction of such Justice, and that there is reason to believe that great numbers of persons will be present at such meeting, any two Justices of the Peace having jurisdiction within the district, county, city or town within which such meeting is appointed to be By private persons within the protection of this Act.

held, may give notice of such meeting, and may declare the same, and declare all persons attending the same, within the protection of this Act, and require all persons to take notice thereof and govern themselves accordingly, and such notice or declaration may be in the form of Schedule B to this Act. R.S.O. 1887, c. 187, s. 6.

Sheriff or Justices, etc., calling meetings on requisition to give certain notices.

7. Every Sheriff, Mayor, Justice of the Peace, or other person who calls any such public meeting as is mentioned in section 2 of this Act, shall give public notice thereof, as extensively as he reasonably can, by causing to be posted and distributed throughout the district, county, riding, city, town, township or ward for which the same is called, a sufficient number of printed or written copies of the notice calling the same. R.S.O. 1887, c. 187, s. 7.

Justices declaring meetings to be within protection of Act to give certain notices.

8. The Justices of the Peace who declare any public meeting about to be held to be a public meeting within the protection of this Act, as in section 3 of this Act mentioned, shall give public notice of its having been so declared, by causing to be posted and distributed throughout the district, county, riding, city, town, township or ward for which the same is so called, as many printed or written copies of the notice or declaration issued by them in that behalf as may be reasonably necessary for that purpose, and as the time appointed for the holding of such meeting reasonably admits. R.S.O. 1887, c. 187, s. 8.

Sheriffs and Justices calling and declaring meeting under this Act to attend the same.

9. Every Sheriff, Mayor, Justice of the Peace, or other person who either calls any public meeting under the provisions of section 2 of this Act, or declares any meeting called by others to be a public meeting within the protection of this Act, under the provisions of section 3 hereof, shall attend such meeting, and whether such sheriff, mayor, Justice of the Peace, or other person is appointed by such public meeting to take the chair and preside over the same, or not, every Sheriff, Mayor, Justice of the Peace, and other person shall continue at or near the place appointed for holding such public meeting, until the same has dispersed, and shall afford all such assistance as is in his power in preserving the public peace thereat. R.S.O. 1887, c. 187, s. 9.

Chairman to read requisition and make proclamation for the preservation of order.

10. Every person required by law, or who has, in the usual way, been appointed at such public meeting to preside over the same, shall commence the proceedings of the meeting by causing the summons or notice calling the meeting, or the declaration whereby the same is declared to be a public meeting, under the protection of this Act, to be publicly read, R.S.O. 1887, c. 187, s. 10.

Chairman to remove disorderly persons, and convict on view of disturbance.

11. Any person required by law, or who has been appointed at such meeting in the usual way to preside over the same shall cause order to be kept at such meetings, and for that purpose may, by oral direction or otherwise, cause any person who attempts to interrupt or disturb such meeting to be removed to such a distance from the same as may effectually prevent such interruption or disturbance, and by an instrument in writing under his hand, on his own view, may adjudge any person who so attempts to interrupt or disturb such meeting guilty of such attempted interruption or disturbance, upon which conviction any Justice of the Peace may, by warrant under his hand, forthwith

commit such person to the common gaol of the county or district, or to any other place of temporary confinement that such justice may appoint, for any period not exceeding forty-eight hours from the time of commitment signed, and until the lawful costs of the constable and gaoler for the arrest, transmission and detention of such person are paid or satisfied. R.S.O. 1887, c. 187, s. 11.

12. For the purpose of keeping the peace and preserving good order at every such public meeting, the person required or appointed to preside at such meeting as aforesaid may command the assistance of all Justices of the Peace, constables, and other persons to aid and assist him in so doing. R.S.O. 1887, c. 187, s. 12.

13. Any Justice of the Peace present at any such meeting upon the written application of the person so required or appointed to preside at the same, shall swear in such a number of special constables as such Justice may deem necessary for the preservation of the public peace at such meeting. R.S.O. 1887, c. 187, s. 13.

14. Every action to be brought against any person for any thing by him done under authority of this Act, must be brought within twelve months next after the cause of such action accrued. R.S.O. 1887, c. 187, s. 14.

SCHEDULE A.

(Section 5.)

TO THE INHABITANTS OF THE COUNTY OF A. (or as the same may be). AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOETH OR MAY IN ANYWISE CONCERN:

Whereas, I, A. B., Sheriff of, etc., or we, C. D., and E. F., two (or whatever the number may be) of Her Majesty's Justices of the Peace for the County (or District) of A, resident within the said County (or District) having received a requisition, signed by I, J, K. L. etc., etc., (inserting the names of at least twelve of the requisitionists and as many more as conveniently may be, and mentioning the number of the others; thus) and fifty-six (or as the case may be) others, who (or twelve of whom) are freeholders of the said County (or District) or citizens of the said City) having a right to vote for members to serve in the Legislative Assembly requesting me (or us) to call a public meeting (here recite the requisition: And whereas I (or we) have determined to comply with the said requisition:

Now, therefore, I (or we) do hereby appoint the said meeting to be held at (here state the place) on the day of next (or instant) at of the clock in the noon, of which all persons are hereby required to take notice. And whereas the said meeting has been so called by me (or us) in conformity with the provisions of Chap. 230 of The Revised Statutes of Ontario 1897, entitled an *Act respecting Public Meetings*, the said meeting, and all persons who attend the same, will therefore be within the protection of the said Act, of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take special notice, and to govern themselves accordingly.

Witness my hand (or our hands) at this day of , in

A. B., Sheriff.

or C. D., J.P.

E. F., J.P.

R.S.O. 1887, c. 187, Sched. A.

SCHEDULE B.

(Section 6.)

TO THE INHABITANTS OF THE COUNTY OF A. (or as the case may be), AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOETH OR MAY IN ANYWISE CONCERN :

Whereas, by information on oath taken before D. E., Esquire, one of Her Majesty's Justices of the Peace for the County of O (or City or District, or as the case may be), within which the meeting hereinafter mentioned is appointed to be held, it appears that a Public Meeting of the inhabitants (or householders, etc., as the case may be) of the County of G (or as the case may be) is appointed to be held at _____, in the said County (or as the case may be), on _____, the _____ day of _____ next (or instant), at _____ of the clock in the _____ noon (or at some other hour on the same day), and that there is reason to believe that great numbers of persons will be present at such meeting; and whereas it appears expedient to us C. D. and E. F., two (or whatever the number may be) of Her Majesty's Justices of the Peace having jurisdiction within the said County (or as the case may be), that, with a view to the more orderly holding of the said meeting, and the better preservation of the public peace at the same, the said meeting, and all persons who may attend the same, should be declared within the protection of chapter 230 of The Revised Statutes of Ontario, 1897, entitled *An Act respecting Public Meetings*.

Now, therefore, in pursuance of the provisions of the said Act, and the authority in us vested by virtue of the same, we, the said Justices, do hereby give notice of the holding of the said meeting, and do hereby declare the said public meeting, and all persons who attend the same, to be within the protection of the said Act.

Of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness our hands at _____, in the _____ of _____, 18 _____ day of _____

C. D., J. P.

E. F., J. P.

&c.

R. S. O. 1887, c. 187, Sched. B.

LORD'S DAY OBSERVANCE.

R. S. O. 1897, CAP. 246.

An Act to prevent the Profanation of the Lord's Day.

ACTS PROHIBITED, ss. 1-7.

SUNDAY EXCURSIONS, s. 7.

STREET RAILWAYS, s. 8.

SALES AND PURCHASES TO BE VOID, s. 9.

PENALTIES, ss. 7 (2), 10, 11.

SUMMARY CONVICTIONS:

Procedure, ss. 12, 13.

Defects of form, s. 14.

Imprisonment, s. 15.

Limitation of prosecutions, s. 16.

ACTIONS:

Limitation, s. 17.

Notice of, s. 17.

Tender of amends, s. 18.

Costs, s. 18.

ACT NOT TO APPLY TO INDIANS, s. 19.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It is not lawful for any merchant, tradesman, farmer, artificer, mechanic, workman, labourer, or other person whatsoever on the Lord's Day, to sell or publicly show forth, or expose, or offer for sale, or to purchase, any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling (conveying travellers or Her Majesty's Mail, by land or by water, selling drugs and medicines, and other works of necessity and works of charity only excepted). R. S. O. 1887, c. 203, s. 1; 59 V. c. 62, s. 1.

2. It is not lawful for any person on that day to hold, convene or to attend any public political meeting, or to tipple, or to allow or permit tipping in any inn, tavern, grocery or house of public entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects. R. S. O. 1887, c. 203, s. 2.

3. It is not lawful for any person on that day to play at skittles, ball, foot ball, rackets, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or carriages, or in vehicles of any sort. R. S. O. 1887, c. 203, s. 3.

4. Except in defence of his property from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting, or in quest of, or to take, kill or destroy, any deer or other game, or any wild animal, or any wild fowl or bird, or to use any dog, gun, rifle or other engine, net or trap, for the above mentioned purpose. R. S. O. 1887, c. 203, s. 4.

5. It is not lawful for any person on that day to go out fishing, or to take, kill or destroy any fish, or to use any gun, fishing-rod, net or other engine for that purpose. R. S. O. 1887, c. 203, s. 5.

6. It is not lawful for any person on that day to bathe in any exposed situation in any water within the limits of any incorporated city or town, or within view of any place of public worship, or private residence. R. S. O. 1887, c. 203, s. 6.

7.—(1) Sunday excursions by steamboats plying for hire, or by railway, or in part by any such steamboat and in part by railway, and having for their only or principal object the carriage of passengers for amusement or pleasure only, and to go and return on the same day by the same steamboat or railway, or any other, owned by the same persons or company, shall be unlawful, and shall not be deemed a lawful conveying of travellers within the meaning of this Act.

(2) The owner of any steamboat or railway by which any such Sunday excursion is wholly or partly made shall, for each offence against this section, forfeit and pay the sum of \$400, to be recovered in any Court having jurisdiction in civil cases to that amount, by any

person suing for the same under this section and for the purposes thereof.

Procedure.

(3) The action for the recovery of any penalty incurred under this section shall be brought before a Court having jurisdiction, as aforesaid, in the place from which the steamboat or train employed in the unlawful excursion, on which the action is founded, started, or through, or at which it passed or stopped in the course thereof.

Application of penalties.

(4) All sums of money recovered under the provisions of this section shall be appropriated as follows:—One moiety thereof to the plaintiff, and the other moiety to the municipality of the city, town, village or place from which the unlawful excursion started, to be applied for the purposes of the municipality.

"Owner," meaning of.

(5) The word "owner" in this section shall include a corporation.

Act not to apply to ferries.

(6) This section shall not apply to ferries or to steamboats when employed thereon.

Liability of captain or other person in charge.

(7) The captain or other person in charge of any steamboat and the conductor or other person in charge of any train, used for the purpose of any such Sunday excursion shall be liable to the penalties prescribed by this Act for violations thereof; and the said penalties shall be recoverable, and applied in like manner as other penalties under this section. R. S. O. 1887, c. 203, s. 7.

Operating street railway on the Lord's Day.

8.—(1) No street car company or tramway company or any electric railway company, except where it is necessary for the purpose of keeping the track clear of snow or ice or for other acts of necessity or charity, shall run cars or trams upon the Lord's Day.

(2) The foregoing subsection shall not apply to companies which have before the 1st April, 1897, regularly run cars on Sunday, nor shall it confer any rights so to run cars on the Lord's Day not now possessed by them, nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday, nor shall it affect the right (if any) of the Toronto Railway Company to run cars upon the Lord's Day, if or when sanctioned by the vote of the electors under 55 Victoria, Chapter 99, and 57 Victoria, Chapter 93. But this proviso shall not confer upon the Toronto Railway Company any right to run cars upon the Lord's Day which it does not now possess (if any) if sanctioned by such vote. Nor shall this section apply to or affect any of the provisions of *The Electric Railway Act*. 60 V. c. 14, s. 95.

Rev. Stat. c. 209.

Sales and agreements made on Sunday to be void.

9. All sales and purchases, and all contracts and agreements for sale or purchase, of any real or personal property whatsoever, made by any person or persons on the Lord's Day, shall be utterly null and void. R. S. O. 1887, c. 203, s. 8.

Penalty.

10. Any person convicted before a Justice of the Peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more than one credible witness, or upon view had of the offence by the said Justice himself, shall for every such offence be fined in a sum not exceeding \$40, nor less than \$1, together with the costs and charges attending the proceedings and conviction. R. S. O. 1887, c. 203, s. 9.

11. All sums of money awarded or imposed as fines or penalties, by Application of penalties.
 virtue of this Act, shall be paid as follows, that is to say: one moiety thereof shall be paid to the party charging the offence in writing before the Justice, and the other moiety to the treasurer of the county or city wherein the offence was committed, to be by him accounted for in the same manner as for other moneys deposited with or paid over to him. R. S. O. 1887, c. 203, s. 10.

12. Where any person has been charged upon oath or otherwise, in Justicete sum-
 writing, before any Justice of the Peace with any offence against this mon accused party.
 Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in the summons, and if such person fails or neglects to appear accordingly, then (upon proof of due service of the summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace having jurisdiction within the same county or municipality; and the Justice before whom the person charged appears or is brought, shall proceed to hear and determine the case, or the said Justice, on view of the offence, may verbally order, or if on the complaint of a third party, then may, in writing, order the offender to be at once committed (although it be on the Lord's Day) to the common gaol of the place, or into other safe custody, there to remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of. R. S. O. 1887, c. 203, s. 11. Commitment.

13. The Justice before whom any person is convicted of any offence Form of con-
 against this Act, may cause the conviction to be drawn up in the form viction.
 of the Schedule to this Act, or in any other form of words to the same effect as the case may require. R. S. O. 1887, c. 203, s. 12.

14. A conviction under this Act shall not be quashed for want of Conviction
 form; nor shall any warrant of commitment be held void by reason of and commit-
 any defect therein, if it is therein alleged that the party has been con- ment not to be
 victed, and there is a good and valid conviction to sustain the commit- void for want
 ment. R. S. G. 1887, c. 203, s. 13. of form.

15. In default of payment of any fine imposed under this Act, In default,
 together with the costs attending the same, within the period by the may levy fine.
 Justice of the Peace, before whom such conviction takes place, specified for the payment thereof at the time of conviction. such Justice of the Peace (if he deems it expedient so to do) may issue his warrant, directed to any constable, to levy the amount of such fine and costs within a certain time, to be in the said warrant expressed; and in case no distress sufficient to satisfy the amount is found, he may commit the offender to the common gaol of the county wherein the offence was committed for any term not exceeding three months, unless the fine and costs are sooner paid. R. S. O. 1887, c. 203, s. 14. Commitment.

16. The prosecution for any offence punishable under this Act Limitation of
 shall be commenced within one month after the commission of the time for prose-
 offence, and not afterwards. R. S. O. 1889, c. 203, s. 15. cution.

17. Subject to the provisions of Section 7 of this Act, all actions and When actions,
 prosecutions against any person for anything done in pursuance of etc., are to be
 tried.

this Act, shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the action, and in any such action the defendant may plead not guilty by statute, and give this Act and the special matter in evidence at any trial had thereupon. R. S. O. 1887, c. 203, s. 16.

Defendant
may plead not
guilty by
Statute.

Tender of
amends, etc.

18. No plaintiff shall recover in such action, if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into Court after such action brought by or on behalf of the defendant; and if the plaintiff becomes non-suited, or discontinues any such action after issue joined, or if judgment is given against the plaintiff, the defendant may recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases. R. S. O. 1887, c. 203, s. 17.

Defendant if
successful to
have full
costs.

Not to extend
to Indians.

19. This Act shall not extend to the people called Indians, R. S. O. 1887, c. 103, s. 18.

SCHEDULE.

(Section 13.

Be it remembered, that on the _____ day of _____
A. D. 18____, at _____, in the County of _____ (or at the
City of _____, as the case may be), A. B., of _____, is
convicted before me C. D., one of Her Majesty's Justices of the Peace for
the said County (or City as the case may be), for that he the said A. B. did
(specify the offence, and the time and place when and where the same was
committed, as the case may be); and I, the said C. D., adjudge the said
A. B., for his offence to pay (immediately, or on or before the
day of _____) the sum of _____ and also the sum of _____ for costs; and in
default of payment of the said sums respectively, to be imprisoned in the
Common Gaol of the said County (or City as the case may be) for the space
of _____ months, unless the said sums are sooner paid; and I direct
that the said sum of _____ (the penalty) shall be paid as follows
that is to say: one moiety thereof to the party charging the offence, and
the other moiety to the Treasurer of the County (naming the one in which
the offence was committed, or of the said City, as the case may be), to be by
him applied according to the provisions of chapter 246 of the Revised
Statutes of Ontario, 1897, entitled, *An Act to Prevent the Profanation of
the Lord's Day*.

Given under my hand and seal, the day and year first above mentioned.

C. D., J. P. [L. S.]

R. S. O. 1887, c. 203, Schedule.

FACTORIES.

R. S. O., 1897, CAP. 256.

An Act for the Protection of Persons employed in Factories.

SHORT TITLE, s. 1.	Female inspector, s. 29.
INTERPRETATION, s. 2.	Powers, s. 30.
WHO NOT TO BE EMPLOYED, ss. 3, 4, 5.	To obtain special authority before entering dwelling, s. 31.
EVIDENCE AS TO EMPLOYMENT AND AGE, s. 6.	To be furnished with certificate of appointment, s. 32.
CHILD, YOUNG GIRL OR WOMAN :	Notice to be given by person occupying factory, s. 33.
When to be deemed employed, s. 7.	NOTICES TO BE AFFIXED IN FACTORY, s. 34, 35.
Not to be employed when permanent injury to health probable, s. 8.	FORM AND SERVICE OF NOTICES, ETC., s. 36.
When employment to be deemed not lawful, s. 9.	PENALTIES :
Restrictions as to cleaning machinery in motion, s. 14.	False entry, s. 37.
Exemption in certain cases, ss. 11, 12.	Parent allowing child or young girl to be employed contrary to Act, s. 38.
Hours of employment, s. 10, 13.	Where no special provision, s. 39.
SANITARY REGULATIONS, ss. 15-19.	POWER OF COURT, s. 40.
FENCING MACHINERY, s. 20.	EMPLOYER EXEMPT ON CONVICTION OF ACTUAL OFFENDER, s. 41.
PREVENTION OF FIRE, s. 21.	INSPECTOR TO PROCEED AGAINST ACTUAL OFFENDER, s. 42.
NOTICE WHERE PERSON EMPLOYED IS INJURED, ss. 22-24.	FINE ON PERSON COMMITTING OFFENCES, s. 43.
EMPLOYER, WHO TO BE DEEMED, s. 25.	RESTRAINT ON CUMULATIVE FINES, s. 44.
EXCEPTION AS TO PRIVATE HOUSES, s. 26 (1).	APPLICATION OF FINES AND PENALTIES, s. 45.
ACT NOT TO APPLY TO PERSON EXECUTING REPAIRS ONLY, s. 27.	PROSECUTIONS, ss. 46, 47.
REGULATIONS BY LIEUTENANT-GOVERNOR IN COUNCIL, s. 28.	Evidence on, ss. 6, 48.
INSPECTOR :	REPORT OF INSPECTOR, s. 49.
Appointment, s. 28.	FORMS, s. 50.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. This Act may be cited as "*The Ontario Factories Act.*" R. S. O. 1887, c. 208, s. 1.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

1. "Factory" shall mean :

"Factory"

- (a) Any building, workshop, structure or premises of the description mentioned in Schedule A to this Act, together with such other building, structure or other premises as the Lieutenant-Governor in Council from time to time adds to the said Schedule; and the Lieutenant-Governor in Council may, from time to time, by proclamation published in the *Ontario Gazette*, add to or remove from the said schedule such description of premises as he deems necessary or proper;
- (b) Any premises, building, workshop, structure, room or place wherein, or within the precincts of which, steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there;
- (c) Any premises, building, workshop, structure, room or place wherein the employer of the persons working there has the right of access and control, and in which, or within the precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them, that is to say: the making of any article or part of any article; the altering, repairing, ornamenting or finishing of any article; or, the adapting for sale of any article;

Provided, that where not more than five persons are employed in any place coming within the foregoing definition of a factory, and that where children, young girls or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water or other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are members of the same family dwelling there, the provisions of this Act shall not apply.

A part of a factory may for the purposes of this Act be taken to be a separate factory; and a place used as a dwelling shall not be deemed to form part of the factory for the purposes of this Act.

Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place only are or is in the open air. R. S. O. 1887, c. 208, s. 2 (1). 52 V. c. 43, s. 3 (1-2).

Mode of
estimating
persons em-
ployed.

Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto, and control thereof, lets or hires out or contracts for work or labour to be done therein by any other person, and such other person engages or employs therein any workman, child, young girl, or woman in or for the carrying out or performing of such work or labour, or any part

thereof, every such workman, child, young girl or woman shall, for all the purposes of this Act, be considered and taken as being in service and employment of said owner, tenant or occupier, and in computing the number of persons employed in any place in order to ascertain if such place comes within the definition of a factory according to the meaning and intent of this Act, every such workman, child, young girl, or woman shall be taken into account. 52 V. c. 43, s. 3 (4).

2. "Inspector" shall mean the inspector appointed by order of the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act in and for the locality in reference to which such expression applies, and which locality shall be that designated in the order.

3. "Employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any factory and employs persons therein.

4. "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night.

5. "Child" shall mean a person under the age of fourteen years.

6. "Young girl" shall mean a girl of the age of fourteen years and under the age of eighteen years.

7. "Woman" shall mean a woman of eighteen years of age and upwards.

8. "Parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

9. "Court of summary jurisdiction" shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act.

10. "Mill-gearing" shall comprehend every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. R.S.O. 1887, c. 208. s. 2. (2-10); 52 V. c. 43, s. 2.

11. No child shall be employed in any factory, except in the business of canning or desiccating fruits and vegetables and the work incidental thereto, as provided in section 5 of this Act. 58 V. c. 50, s. 2.

12. The Lieutenant-Governor in Council may from time to time by Prohibiting Order in Council, notice of which shall be published in the *Ontario Gazette*, prohibit the employment of girls under the age of eighteen and of boys under the age of sixteen in factories, the work in which is deemed by the Lieutenant-Governor in Council to be dangerous or unwholesome. 58 V. c. 50, s. 12.

13. Boys and girls under fourteen years of age may be employed during the months of July, August, September and October in any year in such gathering in and other preparation of fruits or vegetables for canning or desiccating purposes as may be required to be done prior to the operation of cooking or other process of that nature requisite in connection with the canning or desiccating of fruits or vegetables.

vegetables. The place, room or apartment in which such boys or girls may be so employed shall be separate from any other wherein the cooking or other process aforesaid, or the canning or desiccating of said fruits or vegetables is carried on. R.S.O. 1887, c. 208, s. 6 (6); 52 V. c. 43, s. 4 (2-3).

Evidence as to employment and age.

6.—(1) If a person is found in a factory, except at meal times or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purpose of this Act to have been then employed in the factory.

(2) Yards, playgrounds and places open to the public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this section.

(3) Where a child or young girl is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young girl is not of that age. R.S.O. 1887, c. 208, s. 3.

Child, young girl or woman who does any work in factory to be deemed employed in factory.

7. A child, young girl, or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is otherwise provided by this Act, be deemed to be employed in such factory within the meaning of this Act, and for the purposes of this Act an apprentice shall be deemed to work for hire. R.S.O. 1887, c. 208, s. 4.

Child, young girl or woman not to be employed where permanent injury to health likely.

8. It shall not be lawful to employ in a factory any child, young girl or woman, so that the health of such child, young girl or woman is likely to be permanently injured, and whoever so employs any child, young girl or woman, shall upon summary conviction thereof incur and be liable to imprisonment in the common gaol of the county wherein the offence has been committed, for a period not exceeding six months, or to a fine of not more than \$100, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. R.S.O. 1887, c. 208, s. 5.

When employment of child, young girl or woman shall be deemed not lawful.

9. To employ in a factory any child or any young girl or woman shall be deemed to be not lawful, and so that the health of such child or young girl or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say:

1. It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor more than for sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday.

2. In every factory the employer shall allow every child and every young girl and woman therein employed not less than one hour at

noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women.

3. If the inspector so directs in writing, the employer shall not allow any child, young girl or woman to take meals in any room wherein any manufacturing process is then being carried on. And if the inspector so directs in writing the employer shall, at his own expense, provide a suitable room or place in the factory or in connection therewith, for the purposes of a dining and eating room for persons employed in the factory. R.S.O. 1887, c. 208, s. 6. (3-5).

10.—(1) Notwithstanding anything contained in this Act, women Employment may, during the months of July, August, September and October in of women in any year, be employed to a later hour than nine o'clock in the after- factories for noon of any day in any factory wherein the only work or operations canning or desiccating of fruit. carried on relate to and are exclusively such as may be necessary for the canning or desiccating of fruits or vegetables, and the preparation thereof for being so canned or desiccated; but no woman shall be so employed during the said months to a later hour than nine o'clock in the afternoon of any day for more than twenty days in the whole, and in reckoning such period of twenty days, every day on which any woman has been so employed to a later hour than nine o'clock in the afternoon shall be taken into account.

(2) Where under the provisions of this section any woman is employed on any day to a later hour than seven o'clock in the afternoon, she shall, on every such day and in addition to the hour for the noon-day meal provided for by section 9 of this Act, be allowed not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon. 52 V. c. 43, s. 10.

11.—(1) Subject to any regulations which may be made in that When inspector may grant exemption from foregoing provisions. behalf by the Lieutenant-Governor in Council, it shall be lawful for the Inspector

(a) Where any accident which prevents the working of any factory happens to the motive power of any machinery; or

(b) Where from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or

(c) Where the customs or exigencies of certain trades require that the children, young girls or women working in a factory, or in certain processes in a factory, shall be employed for a longer period than as herein above provided,

on due proof to his satisfaction of such accident, occurrence, custom or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of the Act as will, in his judgment, fairly and equitably to the proprietors, of, and to the women, young girls and children in, such factory, make up for any loss of labour from such accident or occurrence, or meet the requirements of such custom or exigency of trade:

(2) In the case of the inspector permitting such exemption,

(a) No woman, young girl or child shall be employed before the

hour of six o'clock in the morning nor after the hour of nine o'clock in the evening ; and

- (b) The hours of labour for women, young girls and children shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and
- (c) Such exemption shall not comprise more than thirty-six days, in the whole, in any twelve months ; and in reckoning such period of thirty-six days, every day on which any child, young girl, or woman has been employed overtime shall be taken into account ; and
- (d) During the continuance of such exemption there shall, in addition to the hour for the noon-day meal provided for by section 9 of this Act, be allowed to every woman, young girl, or child so employed in the factory on any day to an hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon ; and
- (e) In every factory to, or with respect to, which any such permission for exemption is so given, there shall, in compliance with the provisions of section 34 of this Act, be affixed a notice specifying the extent and particulars of such exemption. R. S. O. 1887, c. 208, s. 8 ; 52 V. c. 43, ss. 5 and 6.

12. When under the exemptions allowed herein any child, young girl or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as may be required by any regulations made in that behalf by the Lieutenant-Governor in Council. R. S. O. 1887, c. 208, s. 9.

Particulars to be recorded by employer in case of exemption.

13. Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the inspector requires. R. S. O. 1887, c. 208, s. 10.

Notice of hours of employment to be affixed in factory.

14.—(1) A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water or other mechanical power.

(2) A young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

(3) A child or young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other machinery power.

(4) A child, young girl, or woman, allowed by an employer to clean or to work in contravention of this section, shall be deemed to be employed by him contrary to the provisions of this Act, and to have contravened said provisions. R. S. O. 1887, c. 208, s. 7.

Cleaning machinery while in motion.

15.—(1) Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance. Sanitary condition of factory.

(2) A factory shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein.

(3) Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(4) In every factory there shall be kept provided a sufficient number and description of privies, earth or water-closets, and urinals for the employees of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employees, and shall have respectively separate approaches.

(5) A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the health of any person employed therein is likely to be permanently injured, and the employer shall, because thereof, be deemed to be guilty of a contravention of the provisions of this Act. R. S. O. 1887, c. 208, s. 11.

16.—(1) In every factory where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth closet, water-closet, ash-pit, water-supply, nuisance or other matter whereby the health of persons employed in the factory may be affected, the employer shall within a reasonable time take such action thereon as the inspector, acting under the regulations, if any, made in respect to such subjects, notifies the employer to be proper and necessary; and Employer to remedy omission, etc., on notice.

(2) In every factory where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent, if such inhalation can by mechanical means be prevented or partially prevented, the inspector may, subject to such regulations, if any, as may be made in that behalf, direct that such means shall be provided within a reasonable time by the employer, who in such cases shall be bound so to provide them.

(3) A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person therein employed is likely to be permanently injured, and such employer shall because thereof, be deemed to be guilty of a contravention of the provisions of this Act. R. S. O. 1887, c. 208, s. 12; 52 V. c. 43, s. 7.

17. Where two or more persons occupy or use the same room or premises for carrying on any work or business within the meaning of this Act, and employ in the aggregate six persons or more, no one of such persons employing so many as six, each of the several employers shall be held responsible for providing proper and sufficient water-closets and the other requirements set forth in sections 15 and 16 of this Act; which said sections shall apply to each and every of such employers as if they were partners in all the work or business of the said room or premises. 58 V. c. 50, s. 4. Persons occupying same premises and employing persons.

Inspector may take physician, etc., into factory.

18. The inspector may for the purposes of the next preceding three sections, take with him into any factory a physician, health officer, or other officer of the local sanitary authority. R. S. O. 1887, c. 208, s. 13.

Penalty for keeping factory so that safety of persons employed is endangered.

19. It shall not be lawful to keep a factory so that the safety of any person employed therein is endangered, or so that the health of any person employed therein is likely to be permanently injured, and whoever so keeps a factory shall, upon conviction thereof, incur and be liable to imprisonment within the common gaol of the county within which the offence was committed, for a period of not more than twelve months, or to a fine of not more than \$500, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. R. S. O. 1887, c. 208, s. 14.

20.—(1) In every factory,

Guarding dangerous places.

(a) All dangerous parts of mill gearing, machinery, vats, pans, caldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges, and all other like dangerous structures or places shall be as far as practicable securely guarded. 58 V. c. 50, s. 3.

(b) No machinery other than steam engines shall be cleaned while in motion if the inspector so directs by written notice.

(c) The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap-doors or self-closing hatches, and safety-catches, or by such other safeguards as the inspector directs, and such trap-doors shall be kept closed at all times except when in actual use by persons authorized by the employer to use the same.

(d) All elevator cabs or cars, whether used for freight or passenger, shall be provided with some suitable mechanical device to be approved by the inspector, whereby the cab or car will be securely held in the event of accident to the shipper, rope or hoisting machinery, or from any similar cause. R. S. O. 1887, c. 208, s. 15 (2-4).

Notice from inspector as to precaution against accidents.

(e) Any other particulars which any inspector from time to time considers dangerous, and in regard to which he gives notice to that effect to the employer, shall likewise as far as practicable be secured or securely guarded. 58 V. c. 50, s. 6.

(2) A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the safety of any person employed therein is endangered. R.S.O. 1887, c. 208, s. 15, *last part*.

Prevention of fire.

21.—(1) In every factory.

(a) There shall be such means of extinguishing fire as the inspector, acting under the regulations made in that behalf, directs in writing ;

(b) The main inside and outside doors shall open outwardly, and any door leading to or being the principal or main entrance to the factory or to any tower stairways, or fire-escapes therein or belonging thereto, shall not be bolted, barred, or locked at any time during the ordinary and usual working hours in the factory. R. S. O. 1887, c. 208, s. 16 (1, 2).

(2) In the case of factories over two storeys in height, there shall be provided in every room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector in writing certifies to be in his judgment sufficient, a wire or other rope for every window in the room, or for as many windows in the room as the inspector certifies in writing to be sufficient. Prevention of accidents by providing ropes.

(a) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below; and every such window of every room shall be provided with proper, convenient and secure fastenings and appurtenances to which one end of the rope may be safely secured or fastened.

(b) The said wire or other ropes shall be kept in a coil or other convenient position in the room. 58 V. c. 50, s. 5.

(3) Every factory three or more storeys in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways with iron doors, shall be provided with a sufficient number of fire-escapes; such fire escapes shall consist of an iron stairway with a suitable railing, and shall be connected with the interior of the building by iron doors or windows, with iron shutters, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom, and such fire-escapes shall be kept in good repair and free from obstruction or incumbrance of any kind; but any of the requirements of this subsection may be dispensed with in any factory if the inspector so directs.

(4) A factory or workshop in which there is a contravention of this section shall be deemed to be kept unlawfully and so that the safety of any person employed therein is endangered. R. S. O. 1887, c. 208, s. 16 (3).

22. In case of a fire or accident in any factory occasioning any bodily injury to any person employed therein, whereby he is prevented from working for more than six days next after the fire or accident, a notice shall be sent to the inspector in writing by the employer forthwith after the expiration of the said six days, and if such notice is not so sent the employer shall be liable to a fine not exceeding \$30. 58 V. c. 50, s. 7. Notice of accident to be given to inspector.

23. In case of an explosion occurring in a factory, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the inspector in writing by the employer within twenty-four hours next after the explosion takes place. And if such notice is not so sent, the employer shall be liable to a fine not exceeding \$30. 58 V. c. 50, s. 8.

Notification
of death or
fatal injury.

24. Where in a factory any person is killed from any cause, or is injured from any cause, in a manner likely to prove fatal, written notice of the accident shall be sent to the inspector within twenty-four hours after the occurrence thereof, and if such notice is not so sent, the employer shall be liable to a fine not exceeding \$30. 58 V. c. 50, s. 9.

Who to be
deemed
employer of
children, etc.,
in certain
cases.

25. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connection with which machine or implement, children, young girls, or women are employed, is some person other than the employer as defined by this Act, and such children, young girls, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act, which may be committed in relation to such children, young girls, or women, be deemed to be the employer. R. S. O. 1887, c. 208, s. 20.

Certain pro-
visions not to
apply to
private house.

26.—(1) The provisions of this Act which relate

- (a) To the cleanliness or to the freedom from effluvia, or to the overcrowding or ventilation of a factory ; and
- (b) To children, young girls and women being during any part of the times allowed for meals in a factory, employed in the factory, or being allowed to remain in any room ; and
- (c) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed, save and except where such notice is a notice of the name and address of the inspector ; and
- (d) To the sending notice of accidents ;

shall not apply where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, might by reason of the work carried on there be a factory within the meaning of this Act, and in which neither steam, water nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there.

Certain pro-
visions not to
apply to fac-
tories in which
children or
young girls
are not
employed.

(2) The provisions of this Act which relate

- (a) To children, young girls and women being during any part of the times allowed for meals in a factory, employed in a factory, or being allowed to remain in any room ; and
- (b) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed, save and except where such notice is a notice of the name and address of the inspector ;

shall not apply to a factory which is conducted on the system of not employing children or young girls therein, and the occupier of which has served on the inspector notice of his intention to conduct his factory upon that system.

Notice to be
given if
system of
employment
changed.

(3) Where an employer has served on an inspector notice of his intention to conduct his factory on the system of not employing children or young girls therein, the factory shall be deemed for all the purposes of this Act to be conducted on the said system until the

employer changes it, and no changes shall be made until the employer has served on the inspector notice of his intention to change the system, and until the change a child or young girl employed in a factory shall be deemed to be employed contrary to the provisions of this Act; a change in the said system shall not be made oftener than once in every three months, unless for special cause allowed in writing by the inspector. 52 V. c. 43, s. 8.

27. Nothing in this Act shall extend to any person being a mechanic, artisan or labourer, working only in repairing either the machinery in, or any part of, a factory. R. S. O. 1887, c. 208, s. 23. Act not to apply to persons working only at repairs

28. The Lieutenant-Governor in Council may from time to time, for the purpose of carrying out this Act— Regulations may be made by Lieut.-Governor in Council.

1. Make such rules, regulations and orders for enforcing its provisions, and for the conduct and duties of the inspector, as may be deemed necessary,

2. Appoint the inspector, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislature;

3. Designate and assign, in the order appointing any inspector, the locality in and for which he is to be the inspector under this Act. R. S. O. 1887, c. 208, s. 24.

29. The Lieutenant-Governor in Council may from time to time appoint a female inspector for the purpose of carrying out this Act, in addition to the other inspectors by law directed. 58 V. c. 50, s. 10. Female Inspector.

30.—(1) The inspector shall for the purposes of the execution of this Act, and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things, namely, Powers of Inspector.

- (a) To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory;
- (b) To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine, and copy the same;
- (c) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
- (d) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the factory and the persons employed therein;
- (e) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act every person whom he finds in a factory, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined;

(f) For the purpose of any investigation, enquiry or examination made by him under the authority of this Act, to administer an oath to and to summon any person to give evidence ;

(g) To exercise such other powers as may be necessary for carrying this Act into effect.

(2) The employer and his agents and servants shall furnish the means required by the inspector as necessary for an entry, inspection, examination, inquiry or the exercise of his powers under this Act in relation to such factory.

(3) Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young girl or woman from appearing before or being examined by the inspector, or attempts so to conceal or prevent a child, young girl or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act : but no one shall be required under this section to answer any question, or to give any evidence, tending to criminate himself.

(4) Where the inspector is obstructed in the execution of his duties under this act, the person obstructing him shall be liable to a fine not exceeding \$30 ; and where an inspector is so obstructed in a factory, the employer shall be liable to a fine not exceeding \$30, or where the offence is committed at night, \$100. R. S. O. 1887, c. 208, s. 25.

Inspector before entering dwelling without consent of occupier to obtain special authority.

31.—(1) The inspector, before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling, as well as for a factory, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority to do so from the Lieutenant-Governor in Council, or such warrant as is hereinafter mentioned, from a Justice of the Peace or Police Magistrate.

(2) The affidavit or statutory declaration above mentioned may be inspected or produced in evidence, in all respects the same as an information on oath before a Justice.

(3) A Justice of the Peace or Police Magistrate, if satisfied, by information on oath, that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may, in his discretion, grant a warrant under his hand, authorizing the inspector named therein, at any time within the period named therein, but not exceeding one month from the date thereof, to enter in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act, with respect to obstruction of the inspector, shall apply accordingly. R. S. O. 1887, c. 208, s. 26.

Inspector to be furnished with certificate and to produce same if demanded.
Rev. Stat. c. 14.

32. Every inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Minister of Agriculture (or other member of the Executive Council to whom the duty of the administration of this Act may from time to time be assigned under *The Act respecting the Executive Council*), and on applying for admission to a factory shall, if required, produce to the employer the said certificate. R. S. O. 1887, c. 208, s. 27 ; 52 V. c. 43. s. 9.

33.—(1) Every person shall, within one month after he begins to occupy a factory, serve on the inspector a written notice containing the name of the factory, the place where it is situated, the address which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding \$30.

(2) In every factory the employer shall keep, in the form and with the particulars prescribed by any regulation made by the Lieutenant-Governor in Council in that behalf, a register of the women, young girls and children employed in that factory and of their employment, and of other matters under this Act, and shall send to the inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act, and in default thereof such employer shall be liable to a fine not exceeding \$30. R. S. O. 1887, c. 208, s. 28.

34. There shall be affixed at the entrance of a factory and in such other parts thereof as the inspector directs, and be constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons employed in the factory—

1. Such notices of the provisions of this Act, and of any regulations made thereunder as the inspector deems necessary to enable the persons employed in the factory to become acquainted with their rights, liabilities and duties under this Act;

2. A notice of the name and address of the inspector;

3. A notice of the clock (if any) by which the period of employment and times for meals in the factory are regulated;

4. Every other notice and document (if any) required by this Act to be affixed in the factory.

In the event of a contravention of any provision or requirement of this section in a factory the employer shall be liable to a fine not exceeding \$20. R. S. O. 1887, c. 208, s. 29. See sec. 11 (2e).

35. A notice of the name and address of the inspector shall in compliance with such directions as the inspector may give under the provisions of section 34 of this Act, be affixed in every factory. 52 V. c. 43, s. 11.

36.—(1) Any notice, order, requisition, summons and document under this Act may be in writing or print, or partly in writing and partly in print.

(2) Any notice, order, requisition, summons and document required, or authorized to be served or sent, for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the factory of which he is employer; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post,

and in proving such service or sending, it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed, if addressed to him at the factory in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer. R. S. O. 1887, c. 208, s. 30

Penalty in case of false entry, etc.

37. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be left or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall, upon conviction thereof, be liable to imprisonment in the common gaol of the county wherein the offence was committed for a period not exceeding six months or to a fine of not more than \$100, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. R.S.O. 1887, c. 208, s. 22.

Parent of child or young girl employed contrary to Act liable to penalty.

38. The parent of any child or young girl employed in a factory in contravention of this Act shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than \$50 and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein which the offence was committed, for a period not exceeding three months. R.S.O. 1887, c. 208, s. 17.

Penalty for contravention of Act where no express penalty provided.

39. If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant-Governor in Council or by any inspector are contravened, and no other penalty is herein provided for such contravention, the employer guilty of such contravention shall on summary conviction thereof incur and pay a fine of not more than \$50, with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding three months. R. S. O. 1887, c. 208, s. 31.

Power of court in addition to inflicting fine.

40. If a factory is not kept in conformity with this Act, the Court of summary jurisdiction, in addition to, or instead of inflicting a fine, penalty or other punishment upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his factory into conformity with this Act; the Court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding \$10 for every day that such non-compliance continues. R. S. O 1887, c. 208, s. 32.

Power of employer to exempt himself from fine on conviction of the actual offender.

41. Where the employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court or tribunal at the time appointed for hearing the charge; and if after the commission of the offence has been proved the em-

ployer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without the knowledge, consent or connivance of him the employer, the said other person shall be summarily convicted of such offence and the employer shall be exempt from any fine, penalty or punishment. R.S.O. 1887, c. 208, s. 33.

42. Where it is made to appear to the satisfaction of the inspector ^{Inspector to} at the time of discovering the offence that the employer had used all ^{proceed} due diligence to enforce the execution of this Act, and also by what ^{against actual} person such offence was committed and also that it was committed ^{offender.} without the knowledge, consent or connivance of the employer and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer. R.S.O. 1887, c. 208, s. 34.

43. Where an offence for which an employer is liable under this ^{Fine on person} Act to a fine has in fact been committed by some agent, servant, work- ^{committing} man or other person, such agent, servant, workman or other person ^{offence for} shall be liable to the same fine, penalty or punishment for such offence ^{or is liable.} as if he were the employer. R. S. O. 1887, c. 208, s. 35.

44. A person shall not be liable in respect of a repetition of the same ^{Restraint on} kind of offence from day to day to any larger fine, penalty or punish- ^{cumulative} ment than the highest fine, penalty or punishments fixed by this Act ^{finer.} for the offence, except—

1. Where the repetition of the offence occurs after an information has been laid for the previous offence; or,
2. Where the offence is one of employing two or more children, young girls or women contrary to the provisions of this Act. R. S. O. 1887, c. 208, s. 36.

45. All fines or penalties in money imposed or recovered under or ^{Application of} in pursuance of this Act, shall be paid by the convicting Justices or ^{or fines and} Police Magistrate, as the case may be, to the inspector, who shall forth- ^{penalties.} with pay the same over to the Treasurer of the Province to and for the use of the Province. R. S. O. 1887, c. 208, s. 37.

46. All prosecutions under this Act may be brought and heard ^{Prosecutions} before any two of Her Majesty's Justices of the Peace in and for the ^{and procedure} county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a Police Magistrate, before such Police Magistrate; and save where otherwise ^{Rev. Stat.} provided by this Act the procedure shall be governed by ^{c. 90.} *The Ontario c. 90. Summary Convictions Act.* R. S. O. 1887, c. 208, s. 39.

47. The following provisions shall have effect with respect to sum- ^{Limitation of} mary proceedings for offences and fines under this Act: ^{time and}

1. The information shall be laid within two months, or where the ^{general pro-} offence is punishable at discretion by imprisonment, within three ^{visions as to} months after the offence has come to the knowledge of the inspector. ^{ceedings.} 58 V. c. 50, s. 11.
2. The description of an offence in the words of this Act, or in ^{Limitation of} similar words, shall be sufficient in law. ^{prosecutions.}

3. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negated in the information, and if so specified or negated, no proof in relation to the matters so specified or negated shall be required on the part of the informant.

4. It shall be sufficient to allege that a factory is a factory within the meaning of this Act, without more.

5. It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the factory is usually known.

6. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a Court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court, except for the purpose of the hearing and determination of a special case. R. S. O. 1887, c. 208, s. 38 (2-6).

Evidence of
accused per-
sons.

48. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question. 52 V. c. 43, s. 12.

Report of
Inspector to
be laid before
Legislative
Assembly.

49. Such annual or other report of the inspector as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. R. S. O. 1887, c. 208, s. 40.

Registers and
notices.

50. Unless, and until otherwise ordered or directed by any regulation in that behalf made by the Lieutenant-Governor in Council,

- (a) The register mentioned in and required by section 33 of this Act shall, so far as the same relates to children and young girls, be according to form A in Schedule B to this Act; and, so far as the same relates to women, be according to form B in the said Schedule;
- (b) The register mentioned in and required by section 12 of this Act shall be according to form C in said Schedule;
- (c) On the first page of any register kept by an employer, pursuant to this Act, or to any rule, order or regulation made in that behalf by the Lieutenant-Governor in Council, shall be printed the form D in the said Schedule, or one to the like effect; and the same shall be properly filled up and signed by the inspector and the employer, when such register is commenced to be kept;
- (d) Notice of the hours between which children, young girls or women are to be employed in any factory, as required by section 13 of this Act, shall be according to form E in said Schedule;
- (e) Notice to an inspector, under sections 22 to 24 of this Act, may be in the form F of said Schedule;

(f) Notice to an inspector, under section 26 of this Act, may be according to such of the forms G and H of said Schedule as the case requires; and

(g) Notice to an inspector, under section 33 of this Act, may be in the form I of said Schedule. 52 V. c. 43, s. 14.

SCHEDULE A.

(Section 2.)

Agricultural Implement Factories.	Edge Tool Factories.
Auger Factories.	Electric Machinery Factories.
Axe and Spring Factories.	Electrotype Foundries.
Bakehouse and Bakers.	Emery Wheel Factories.
Baking Powder and Yeast Factories.	Envelope Factories.
Bar Wire Factories.	Extracts and Essential Oil Factories.
Barrel Factories.	Felt Factories.
Bell Factories.	File Works.
Billiard Table Factories.	Fax Mills.
Bird Cage Factories.	Foundries.
Biscuit Factories.	Fringe and Tassel Factories.
Blackening Factories.	Fruit Drying Factories.
Blanket Factories.	Furniture Factories.
Boiler Factories.	Furriers' Workshops.
Bolt and Nut Factories.	Galvanized and Pressed Ironwork Factories.
Book-binding Factories.	Glass Works.
Boot and Shoe Factories.	Glove Factories.
Box Factories.	Grain Factories.
Brass Foundries.	Gun and Small Arm Factories.
Breweries.	Har Cloth Factories.
Broom Factories.	Hammer Factories.
Brush Factories.	Hammer Factories.
Bustle and Hoopskirt Factories.	Hat Factories.
Button Factories.	Hinge Factories.
Cannery Factories.	Iron Comb Factories.
Cap Factories.	Hobby Horse Factories.
Carpet Factories.	Hosiery Factories.
Carriage Factories.	Iron Bridge Works.
Carriage Goods (iron) Factories.	Jams, Jellies and Pickle Works.
Carriage Woodwork Factories.	Jewellery Factories.
Cartridge Factories.	Knick-knack Factories.
Car Sheds.	Knitting Factories.
Cheese Box Factories.	Knitting Machine Factories.
Chemical Works.	Knitting Needle Factories.
Child's Carriage Factories.	Lace Factories.
Cider Factories.	Lamp Goods Factories.
Cigar Factories.	Last Factories.
Cigar Box Factories.	Laudries.
Clay Pipe Factories.	Laundry, Bleaching and Washing Crystal Factories.
Clock Factories.	Lead Pipe and Shot Factories.
Clothing Factories.	Linon, Cotton and Jute Bag Factories.
Cuffin Factories.	Lithographers' Workshops.
Confectionery Factories.	Lock Factories.
Coopers' Workshops.	Locomotive Works.
Cork Factories.	Machine Shops.
Corset Factories.	Machine Screw Works.
Corset and Hoopskirt Steel Factories.	Mantle Piece Factories.
Cotton Factories.	Marble Works.
Distilleries.	Match Factories.
Domestic Utensils Factories.	Mating Factories.
Dress Shed Factories.	
Drop Forging Factories.	
Dye Works.	

<p> Mattrass Factories. Metallic Shingle Factories. Mill Furnishing Works. Mirror Factories. Nail Works. Necktie Works. Oil Mills. Oil Refineries. Organ Factories. Organ Reeds Factories. Ornamental Moulding Factories. Paint Works. Paper Bag Factories. Paper Box Factories. Paper Collar Factories. Paper and Pulp Mills. Paraffine Factories. Patent Medicine Factories. Piano Factories. Piano and Organ Key-board Factories. Picture Frame Works. Pin Factories. Planing Mills. Plated Metal Works. Potteries. Printing Ink Factories. Pulp Factories. Rag-sorting Workshops. Rattan Goods Factories. Reaper Knife Factories. Rivet Works. Rolling Mills. Rope Works. Rubber Factories. Saddlery Hardware Factories. Safe Works. Salt Drying Works. Sash and Door Factories. Saw Factories. Saw Mills. Scale Works. Sewer Pipe Factories. </p>	<p> Sewing Machine Works. Shirt Factories. Shoddy Factories. Shovel Factories. Shew Case Factories. Silk Factories. Skate Works. Soap Works. Soda Water Factories. Spice and Coffee Mills. Spool Factories. Stained Glass Factories. Search Factories. Save Factories. Stay Factories. Steel Wire Factories. Staw Works. Sugar Refineries. Suspender Factories. Syrup Factories. Tanneries. Terra Cotta Works. Thread Spooling Factories. Tin Stamping Works. Tobacco Factories. Toy Factories. Trunk Factories. Tub and Pail Works. Type Foundries. Varnish Works. Vegetables and Bicycle Factories. Vinegar Works. Wagon and Sleigh Factories. Wall Paper Factories. Watch Case Factories. Wax Paper Factories. Whip Factories. Window Shade Factories. Wire Goods Factories. Woodware Factories. Wood Pulley Factories. Wood Screw Factories. Woollen Factories. </p>
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52 V. c. 13, Schedule A ; 58 V. c. 50, s. 13.

SCHEDULE B.

(Schedule of Forms referred to in Section 50.)

FORM A.

(Sections 33 and 50.)

REGISTER OF CHILDREN AND YOUNG GIRLS EMPLOYED IN THIS FACTORY UNDER "THE ONTARIO FACTORIES ACT."

No child can be employed in any factory except in the business of canning or desiccating fruits and vegetables and the work incidental thereto, as provided for in section 5 of "The Ontario Factories Act." (Sec. 3.)

Under "The Ontario Factories Act," the word "Child" means a person under the age of fourteen years; the expression "Young Girl" means a girl of the age of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards; and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from, the wages of a child or young girl. (Sub-secs. 5, 6, 7 and 8 of sec. 2.)

Columns 1, 2, 3, 4 and 5 to be filled up by the employer before a child or young girl is allowed to work.

1	2	3	4	5	6	7
Name of child or young girl.	Name of Parent or Guardian.	Residence of Parent or Guardian.	Date of first employment.	Nature of employment.	Age of child or young girl.	REMARKS. When a person ceases to be employed, insert in this column opposite his or her name, "Left." When a young girl becomes a woman within the meaning of the Act, insert opposite her name the word "Woman."

FORM B.

(Sections 33 and 50.)

REGISTER OF WOMEN OF 18 YEARS OF AGE AND UPWARDS EMPLOYED IN THIS FACTORY.

Under "The Ontario Factories Act," the word "Child" means a person under the age of fourteen years; the expression "Young Girl" means a girl of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards, and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of, a child or young girl. (Sub secs. 5, 6, 7 and 8 of sec. 2.)

1	2	3	4	5
Name.	Residence.	Date of first employment.	Nature of employment.	REMARKS. When a woman ceases to be employed, insert in this column opposite her name "Left."

LABOUR LAWS OF ONTARIO.

Form C.

(Sections 12 and 50.)

**REGISTER OF THE CHILDREN, YOUNG GIRLS, AND WOMEN
EMPLOYED IN THIS FACTORY ON ANY DAY FOR A LONGER
PERIOD THAN IS ALLOWED BY "THE ONTARIO FACTO-
RIES ACT." (See Secs 11 and 12.)**

[illegible]

Form D.

(Section 50.)

"THE ONTARIO FACTORIES ACT."

FACTORY TO WHICH THIS REGISTER APPLIES.

TO THE OCCUPIER AND EMPLOYER
IN THIS FACTORY.

1. ^{Articles} Name (if any) of factory
Situate in
Post Office to which letters for
this factory are to be directed
2. Nature of work carried on.
3. Nature and amount of moving
power :
 - (a) Steam-engine of about
indicated horse-power, of
which horse-power is
employed in this factory.
 - (b) Water wheel of about
indicated horse-power. of
which horse-power is
employed in this factory.
4. Clock.
5. Name of the occupier and
employer.

I hereby give you notice that the clock named under heading No. 4 on this page is the clock by which the hours of employment and times allowed for meals in this factory are to be regulated.

Dated this day of

Inspector.

(Signature of occupier or agent.)

FACTORIES.

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FORM E.

(Sections 13 and 50.)

"THE ONTARIO FACTORIES ACT."

NOTICE.

It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor for more than sixty hours in any one week unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday. (Sec. 1 of sec 9.)

In every factory the employer shall allow every child and every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women. (Subsec. 2 of sec 9.)

Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place, or places in the factory as the Inspector requires. (Sec. 13.)

In accordance with the foregoing provisions of "The Ontario Factories Act," it is hereby notified to all concerned that the hours between which children, young girls and women are to be employed in this Factory are as follows:—

	FORENOON.		AFTERNOON.		Total hours each day.
	Commence at	Stop at	Commence at	Stop at	
Monday.....					
Tuesday.....					
Wednesday....					
Thursday.....					
Friday.....					
Saturday.....					

Total of hours for the week.....

Dated this.....day of.....

(Signature of Employer or Agent.).....

(Inspector's Signature.).....

LABOUR LAWS OF ONTARIO.

FORM F.

(Sections 22-24 and 50.)

"THE ONTARIO FACTORIES ACT."

To.....

Factories Inspector.

You are hereby notified pursuant to section 22 (or as the case may be) of "The Ontario Factories Act." of the happening of an accident in the Factory hereunder mentioned, whereof the following are particulars:—

1. Name of person injured (or killed).
2. Factory in which accident happened.
3. Date of accident.
4. Age of person injured (or killed).
5. Residing on street in the of
6. Cause of injury (or death).
7. Extent of injury.
8. Where injured or killed person sent.
9. Remarks.

Dated this day of

(Signature of Employer or Agent.).....

FORM G.

(Sections 26 and 50.)

"THE ONTARIO FACTORIES ACT."

To.....

Factories Inspector.

"Whereas by "The Ontario Factories Act" it is in effect enacted that a Factory shall not, within the meaning of the Act, be deemed to be conducted on the system of not employing therein either children or young girls until the Occupier has served on an Inspector notice of his intention to conduct his factory on that system :

I hereby give notice that it is intended to conduct the Factory situated at in which is carried on the work following :

and of which is the occupier, upon the system of not employing therein either children or young girls.

Dated this day of

.....
(Occupier or Agent.)

FORM H.

(Sections 26 and 50.)

"THE ONTARIO FACTORIES ACT."

To.....

Factories Inspector.

It is intended after the date hereof to discontinue to conduct the Factory situated at of which is the occupier, upon the system of not employing therein either children or young girls, within the meaning of "The Ontario Factories Act."

Dated this day of

.....
(Occupier or Agent.)

FORM I.

(Sections 33 and 50.)

"THE ONTARIO FACTORIES ACT."

To.....

Factories Inspector.

Pursuant to section 33 of "The Ontario Factories Act," I hereby give notice that I have begun to occupy a Factory as undermentioned :

Name under which the business is carried on.....

Name of the Factory.....

Locality of the Factory.....

Address to which letters are to be addressed.....

Nature of the work.....

Nature and amount of moving power.....

Dated this day of

.....
(Occupier or Agent.)

52 V. c. 43, Sched. B.

SHOPS, REGULATION OF

R. S. O. 1897, CAP. 257.

An Act respecting Shops and Places other than Factories.

SHORT TITLE, s. 1.

Act not to affect Public Health Act, s. 2.

PART I.

REGULATION OF EMPLOYMENT IN SHOPS.

Application of Act, s. 3.

Interpretation, ss. 4, 5.

Children under 10 not to be employed, s. 6.

Hours for children, girls and women, ss. 7-9.

Register, s. 10.

Seats for female employees, s. 11.

Eating room, s. 12.

Sanitary arrangements, ss. 13, 14.

Fire escapes, s. 15.

Powers of Inspector, ss. 16-19.

Notices, ss. 20, 21.

OFFENCES AND PENALTIES, ss. 9, 11, 22, 24.

Procedure and evidence, ss. 25-32.

EMPLOYMENT OF EMPLOYER'S FAMILY IN SHOP, s. 33.

BAKE SHOPS, ss. 34-41.

INSPECTION, ss. 42-43.

PART II.

BY-LAWS AS TO CLOSING, s. 44.

EXCEPTIONS.

As to druggists, s. 44, (10).

As to supplying lodgers and vessels, s. 44, (11).

PENALTIES, s. 44, (16-18).

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PRELIMINARY.

Short title. 1. This Act may be cited as "*The Ontario Shops Regulation Act.*" 51 V. c. 33, s. 1.

Act not to affect Public Health Act. 2. Nothing in this Act shall in any way conflict or interfere with the powers and duties of local boards of health, or the officers appointed under *The Public Health Act*, 60 V. c. 51, s. 43.

PART I.

REGULATION OF EMPLOYMENT AND HOURS OF LABOUR IN SHOPS.

Part I not to apply to places within. 3. Part I. of this Act shall not apply to any place of business which is within the operation of *The Ontario Factories Act*. 60 V. c. 51, s. 1.
Rev. Stat. c. 256.

Interpretation. 4.—(1) Unless the context otherwise requires, the following words and expressions in Part I. of this Act shall have the meaning hereby assigned to them respectively, that is to say:

"Shop." (a) "Shop" shall mean any building or portion of a building, booth, stall, or place where goods are handled, or exposed or offered for sale, and any such building, portion of a building, booth, stall or place where goods are manufactured and to which *The Ontario Factories Act* does not apply, and laundries wherein neither steam, water power, nor electric power is used in aid of the work carried on; but shall not include any place where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, tavern or any premises wherein, under license, spirituous or fermented liquor is sold by retail for consumption on the premises.
Rev. Stat. c. 256.

"Inspector." (b) "Inspector" shall mean the inspector appointed by order of the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act.

"Employer." (c) "Employer" shall mean any person who in his own behalf, or as manager, superintendent, or agent for any person, firm, company, or corporation, has charge of any shop and employs children, young persons or women therein.

"Week." (d) "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night.

"Child." (e) "Child" shall mean a person under the age of fourteen years.

"Young girl." (f) "Young girl" shall mean a girl of the age of fourteen years and under the age of eighteen years.

"Woman." (g) "Woman" shall mean a female eighteen years of age or upwards. 60 V. c. 51, s. 2.

(2) Where any owner, occupier or tenant of any premises, building, workshop, structure, room, or place, who has the control thereof, or right of access thereto, lets or hires out or contracts for work or labour to be done therein by any other person and such other person engages or employs therein any workman, child, young girl or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, young girl or woman shall, for all the purposes of Part I. of this Act, be taken as being in the service and employment of said owner, tenant or occupier. 60 V. c. 51, s. 10.

5. A part of a shop may for the purposes of this Act be taken to be a separate shop. 60 V. c. 51, s. 11.

6. No person under ten years of age shall be employed in any shop. Children under 10 years 60 V. c. 51, s. 4.

7.—(1) No child, young girl or woman shall be employed in or about a shop on any day of the week, other than Saturday or the day next before a statutory holiday, before the hour of seven o'clock in the morning, or after the hour of six o'clock in the evening. Hours for children, young girls and women.

(2) No child, young girl or woman shall be employed in or about a shop on Saturday or on the day next before any statutory holiday before the hour of seven o'clock in the morning or after the hour of ten o'clock in the evening.

(3) There shall be allowed to every child, young girl or woman so employed not less than one hour for the noonday meal on each day, and when so employed after six o'clock in the evening not less than forty-five minutes for another or evening meal.

(4) Provided that a child, young girl or woman may be employed in a shop upon one day other than Saturday, and the day before a statutory holiday, in any week until the hour of ten o'clock in the evening, but in that case such child, young girl or woman shall not be so employed on Saturday in such week after the hour of six o'clock in the evening. Proviso.

(5) Nothing in this section contained shall apply or be in force as to any shop from the 14th day of December to the 24th day of December, inclusive, in each year. 60 V. c. 51, s. 5. Exception as to days between 14th December and 24th December.

8. A child, young girl or woman who has been previously on any day employed in any factory as defined by *The Ontario Factories Act*, for the number of hours permitted by the said Act, shall not, to the knowledge of the employer, be employed on the same day in a shop, or shall not be employed therein for a longer period than will complete such number of hours. 60 V. c. 51, s. 6. Persons employed in factories. Rev. Stat. c. 256.

9. Where any child, young girl or woman is employed in or about a shop contrary to the provisions of Part I. of this Act, the employer shall, upon conviction thereof, be liable to a fine of not less than \$10 nor more than \$25 for each person so employed, with costs of the Act. prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed for a period of not less than one month nor more than three months. 60 V. c. 51, s. 7. Penalty for employment of persons contrary to the Act.

Register of children, young girls and women employed.

10. In every shop in which any child, young girl or woman is employed, there shall be provided and kept a correct register of the name, age and place of residence of every such child, young girl or woman employed, and such register shall at all times, on demand, be open to the free inspection of the inspector. 60 V. c. 51, s. 9.

Seats to be provided for female employees.

11.—(1) In any shop in which females are employed the employer shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed in such shop; nor shall the employer by any open or covert threat, rule, or other intimation, expressed or implied, or by any contrivance, prevent any such female employee using such seat or chair as aforesaid.

(2) Any person offending against any of the provisions of this section shall, upon conviction thereof, be liable to a fine of not less than \$10, nor more than \$25, with costs of prosecution, and, in default of immediate payment of such fines and costs, to be imprisoned in the common gaol of the county within which the offence was committed for a period of not less than one month nor more than three months. 60 V., c. 51., s. 8.

Eating room for employees.

12. If the inspector so directs in writing, the employer shall, at his own expense, provide a suitable room or place in the shop, or in connection therewith, for the purposes of a dining or eating room for persons employed in the shop, and no part of such expense shall be payable by or chargeable to the wages of any employee. 60 V. c. 51, s. 13.

Shops to be kept in proper condition.

13.—(1) Every shop shall be kept sufficiently ventilated and in a cleanly state and free from effluvia arising from any drain, privy, or any other nuisance, and shall not be so overcrowded by employees while work is carried on therein as to be injurious to the health of the persons employed therein.

Sanitary arrangements.

(2) Every shop shall have in connection therewith, or within convenient distance, and with convenient access thereto, a sufficient number and description of privies, earth or water-closets, and urinals for the employees of such shop; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employees and shall have respectively separate approaches 60 V. c. 51, s. 14.

Employer to conform to directions of inspector.

14. In every shop where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet, water-closet, ash-pit, water supply, nuisance or other matter whereby the health of persons employed in the shop may be injuriously affected, the employer shall, within a reasonable time, take such action thereon as the inspector, acting under the regulations, if any, made in respect to such subjects, notifies the employer to be proper and necessary. 60 V. c. 51, s. 15.

Fire-escapes.

15. Besides the present requirements as to fire-escapes, there shall, in the case of shops over two stories in height, be provided in every

room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector in writing certifies to be in his judgment sufficient, a wire or other rope for every window in the room, or for as many windows in the room as the inspector certifies in writing to be sufficient.

(2) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below, and every such window of every room shall be provided with proper, convenient and secure fastenings and appurtenances to which one end of the rope may be safely secured or fastened.

(3) The said wire or other ropes shall be kept in a coil or other convenient position in the room.

(4) In case of particular danger from fire in any shop more than three storeys in height, the Lieutenant-Governor in Council may by regulation require the construction of fire-escapes, consisting of iron stairways on the outside of the building with suitable railings and with landings at every storey, including the attic when used as part of the shop, and with proper means of access to such stairway from the interior of the building. 60 V. c. 51, s. 16.

16. The inspector shall, for the purpose of the execution of this Powers of Act and for enforcing the regulations made under the authority inspector. thereof, have power to do all or any of the following things, namely :

1. To enter, inspect and examine at all reasonable times by day or night any shop or any part thereof when he has reasonable cause to believe that such shop requires inspection under the provisions of this Act.

2. To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine and copy the same.

3. To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the shop and the persons employed therein ; and to require any person to be examined, and to sign a declaration of the truth of the matters respecting which he is so examined ;

4. To exercise such other powers as may be necessary for carrying this Act into effect. 60 V. c. 51, s. 19.

17. The employer and his agents and servants shall furnish the Employer to means required by the inspector as necessary for an entry, inspection, furnish assist- examination, inquiry, or the exercise of his powers under this Act in ance to relation to such shop. 60 V. c. 51, s. 20. inspector.

18. Every inspector under this Act shall be furnished with a formal Inspector to certificate of his appointment, under the hand and seal of the Minister produce cer- of Agriculture for Ontario, and on applying for admission to a shop tificate of shall, if required, produce to the employer the said certificate. 60 V. appointment. c. 51, s. 21.

19. Every person who wilfully hinders, obstructs, or interferes with Obstructing an inspector in the discharge of his duties under this Act, after the or hindering inspector.

inspector has exhibited his certificate of appointment, shall be liable to a fine not exceeding \$20 and costs, and in default of immediate payment thereof, to imprisonment for any term not exceeding thirty days. 60 V. c. 51, s. 22.

Notice to be affixed in shop.

20. (1) There shall be posted up in convenient places in every shop and be constantly kept so posted up in the form directed by the inspector and in such position as to be easily read by the persons employed in the shop—

(a) Such notices of the provisions of this Act, and of any regulations made thereunder as the inspector deems necessary to enable the persons employed in the shop to become acquainted with their rights, liabilities and duties under this Act; and

(b) A notice of the name and address of the inspector.

2. In the event of a contravention of this section in a shop, the employer shall be liable to a fine not exceeding \$20 and costs. 60 V. c. 51, s. 23.

Notices, etc., and mode of service.

21. Any notice under this Act shall be in writing and may be served by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same or a true copy thereof, to his agent or to some person in the shop of which he is employer. 60 V. c. 51, s. 24.

Penalty for falsifying register, certificates, etc.

22. Any person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be kept, left or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall upon conviction thereof incur and be liable to imprisonment in the common gaol of the county wherein the offence was committed, for a period not exceeding six months nor less than one month, or to a fine of not more than \$50 nor less than \$20, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. 60 V. c. 51, s. 17.

Penalty for contravention of Act where no express penalty provided.

23. If any of the provisions of Part I of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant-Governor in Council, or by any inspector, are contravened, and no other penalty is herein provided for such contravention, the employer guilty of such contravention shall on summary conviction thereof incur and pay a fine of not more than \$50 with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months. 60 V. c. 51, s. 25.

Power of court in addition to inflicting fine.

24. If a shop is not kept in conformity with this Act, the Court of summary jurisdiction, in addition to or instead of inflicting a fine, penalty or other punishment upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his shop into conformity with this Act; the court may, also, upon application, enlarge the time so named,

but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding \$5 for every day that such non-compliance continues. 60 V. c. 51, s. 26.

25. Where it is made to appear to the satisfaction of the inspector at the time of discovering the offence that the employer had used all due diligence to enforce the execution of this Act, and also by what person such offence was committed, and also that it was committed without the consent or connivance of the employer and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer. 60 V. c. 51, s. 27.

26. Where an employer is charged with an offence against any of the provisions of Part I of this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender brought before the Court at the time appointed court for hearing the charge, and if, after the commission of the offence has been proved, the said employer proves that he used due diligence to enforce the execution of the provisions of this Act, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said employer shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the employer. 60 V. c. 51, s. 3.

27. Where an offence for which an employer is liable under Part I of this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer. 60 V. c. 51, s. 28.

28. All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a Police Magistrate, before such Police Magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Ontario Summary Convictions Act*. 60 V. c. 51, s. 32.

29. Where a child or young girl is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age. 60 V. c. 51, s. 12.

30. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishment than fixed by this Act for the offence, except—

1. Where the repetition of the offence occurs after an information has been laid for the previous offence; or

2. Where the offence is one of employing two or more children, young girls or women contrary to the provisions of this Act. 60 V. c. 51, s. 29.

Application of
fines and
penalties.

31. All fines or penalties in money imposed and recovered, under or in pursuance of this Act, shall be paid by the convicting justices or police magistrate, as the case may be, to the inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province. 60 V. c. 51, s. 30.

Limitation of
time and
general pro-
visions as to
summary pro-
ceedings.

32. The following provisions shall have effect with respect to summary proceedings for offences and fines under Part I. of this Act:

1. The time for laying an information shall be within two months, or where the offence is punishable at discretion by imprisonment, within three months, after the offence has come to the knowledge of the inspector.

2. The description of an offence in the words of this Act, or in similar words, shall be sufficient in law

3. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

4. It shall be sufficient to allege that a shop is a shop within the meaning of this Act, without more.

5. It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the shop is usually known.

6. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form; and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court, except for the purpose of the hearing and determination of a special case. 60 V. c. 51, s. 31.

Employment
of employer's
family in shop.

33. Nothing in the preceding sections of this Act shall apply to a shop where the only persons employed therein are at home, that is to say, are members of the same family dwelling there, or to members of the employer's family dwelling in a house to which the shop is attached. 60 V. c. 51, s. 33.

[BAKE SHOPS.]

34. In the next seven sections of this Act the following words shall have the meaning hereinafter expressed, unless a contrary intention appears:

"Bake shop."

(1) "Bake shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal, or from both, in whole or in part, and the said bake shop shall include also any room or rooms used for storing the confectionery, bread, cakes, biscuits and other food products.

(2) "Inspector" shall mean any inspector appointed under the provisions of this Act, or under the provisions of *The Ontario Factories Act*.

(3) "Employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any bake shop, or employs any person or persons therein.

(4) "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. 60 V. c. 51, s. 35.

35. All bake shops to which this Act applies shall be constructed as to lighting, heating, ventilating and draining in such a manner as not to be detrimental or injurious to the health of any person working therein, and shall also be kept, at all times, in a clean and sanitary condition, so as to secure the production and preservation of all the food products therein in a good and wholesome condition. 60 V. c. 51, s. 36.

36. Every bake shop shall be provided with a proper wash-room, closet, and other conveniences necessary for the health and comfort of the persons employed therein, the wash-room, closets and other conveniences to be separate from the bake shop, and such wash-room, closets and other conveniences shall be kept clean and in a sanitary condition. 60 V. c. 51, s. 37.

37. The sleeping place or places of the employees of every bake shop shall be entirely separate from the bake shop, and no person shall be allowed to sleep in such shop. 60 V. c. 51, s. 38.

38. Every bake shop shall be provided with proper means and facilities of escape in case of fire, such means or facilities to be to the satisfaction of the inspector. 60 V. c. 51, s. 39.

39. No employer shall require, permit or suffer any employee in any bake shop to work on Sunday, nor more than twelve hours on any one day, or more than sixty hours in any one week, except by permission of the inspector given in writing to the employer, and a copy of which permission shall be posted in a conspicuous place in the bake shop. 60 V. c. 51, s. 40.

40. No employer shall knowingly require, permit or suffer any person to work in his bakeshop who is affected with consumption of the lungs, or with scrofula, or with any venereal disease, or with any communicable skin disease, and every employer is hereby required to maintain himself and his employees in a clean and healthy condition while engaged in the manufacture, handling or sale of such food products. 60 V. c. 51, s. 41.

41. Any employer who violates any of the provisions contained in sections 35 to 40 inclusive of this Act, or who refuses the inspector admittance to his bake shop, or who neglects or refuses to comply with any lawful requirements of the inspector in connection with the enforcement of this Act respecting bake shops, shall, for the first

offence, on conviction thereof, forfeit and pay a penalty of not less than \$20, besides costs, and not more than \$50, besides costs, and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than \$50, besides costs, and not more than \$100 besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period not less than thirty days or more than six months, and to be kept at hard labor at the discretion of the convicting magistrate, and for the third and subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for a period of not less than six months nor more than one year, to be kept at hard labor in the discretion of the convicting magistrate. 60 V. c. 51, s. 42.

RULES AND REGULATIONS—INSPECTIONS.

Regulations
appointment
of inspectors.

42. The Lieutenant-Governor may from time to time for the purpose of carrying out Part I. of this Act :—

1. Appoint the inspector or inspectors, who may be male or female, as may be deemed necessary, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislature.

2. Make such rules, regulations and orders for enforcing the provisions of Part I of this Act and for the conduct and duties of the inspector or inspectors, as may be deemed necessary. 60 V. c. 51, s. 18.

Report of
Inspector to
be laid before
Legislative
Assembly.

43. Such annual or other report of the inspector as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. 60 V. c. 51, s. 34.

PART II.

MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS.

Interpretation

44.—(1) Unless the context otherwise requires, the following words and expressions in this section and in any by-law passed under the provisions of this section shall have the meaning hereby assigned to them respectively, that is to say :

- (a) "Shop" shall mean any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail ; but not where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, tavern, victualling house or refreshment house, nor any premises wherein under license, spirituous or fermented liquor is sold by retail for consumption on the premises.
- (b) "Closed" shall mean not open for the serving of any customer ; provided that nothing in this section or in any by law passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

- (c) "Unincorporated village" shall mean any unincorporated village or settlement lying wholly within the limits of a township, and which, by by-law, the council of the township in which the same is situate, under a name and with boundaries to be declared and defined in and by such by-law, sets apart from the remaining portion of the township in which the same is situate, for the purposes of this Act, and with the intent that such unincorporated village or settlement may be brought under the operation hereof.
- (d) "Local council" shall mean the municipal council of a city, town or incorporated village, or the municipal council of any township within which is situate any unincorporated village, as the case may be.
- (e) "Municipality" shall mean the city, town or incorporated village, the municipal council whereof, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section; and also means any unincorporated village situate within any township, the municipal council of which township, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section. 52 V. c. 44, s. 2.

(2) Any local council may by by-law require that during the whole or any part or parts of the year, all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day. 52 V. c. 44, s. 4.

(3) If any application is received by or presented to a local council, praying for the passing of a by-law requiring the closing of any class or classes of shops situate within the municipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class or each of the classes to which such application relates, the council shall, within one month after the receipt or presentation of such application, pass a by-law giving effect to the said application and requiring all shops within the municipality, belonging to the class or classes specified in the application, to be closed during the period of the year, and at the times and hours mentioned in that behalf in the application.

(4) A local council may by by-law make regulations as to the form of any application to be made under the preceding sub-section, and as to the evidence to be produced respecting the proportion of persons signing such application, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon a local council to pass a by-law under said preceding sub-section unless and until, with respect to the application made therefor, all such regulations have been duly observed.

(5) If the application mentioned in the next preceding two sub-sections is delivered to the clerk of a council, it shall be deemed to have been presented to and received by the council within the meaning of said preceding sub-sections.

Commencement and publication of by-laws.

(6) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the local council passing the by-law may appear best fitted to insure the publicity thereof.

By-laws to be repealed only as provided in sub-section 8.

(7) A local council shall not have the power to repeal a by-law passed pursuant to sub-section 3 of this section, except as provided in the next following sub-section.

When by-law may be repealed.

(8) If at any time it is made to appear to the satisfaction of a local council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of sub-section 3 of this section relates, or of any class of such shops, are opposed to the continuance of such by-law, the local council may repeal the said by-law, or may repeal the same in so far as it affects such class of shops as aforesaid, but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Closing of shops in which several trades are carried on.

(9) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades at the hour at which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in said shop.

Exception as to sales by druggists.

(10) A pharmaceutical chemist, or chemist and druggist, shall not nor shall any occupier of or person employed in or about a shop in any village be liable to any fine, penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the said hour. 51 V. c. 33, s. 2 (3-10).

Supplying article to lodgers, &c.

(11) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment, for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death, or for supplying or selling any article to any person for use on, or in, or about, or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which said premises are situate, or for use by or with respect to any person employed or engaged on, or being a passenger on or by any such steamboat or sailing vessel; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the hour appointed by such by-law for the closing of shops. 51 V. c. 33, s. 2 (11); 52 V. c. 44, s. 3.

Powers of township councils.

(12) The municipal council of every township shall, with respect to any portion of such township which, by by-law, such council has set apart as an unincorporated village under the provisions of this Act, have all the rights and powers conferred by this Act on the council of a city, town or unincorporated village, and may under this Act pass by-laws which shall apply exclusively and only to that portion of the township so set apart as an incorporated village.

(13) A by-law passed under this section for the closing of all or any class or classes of shops within an unincorporated village may as to any or all of its terms and provisions differ from any other by-law passed by the same local council for the closing of all or any class or classes of shops in any other unincorporated village within the same township.

(14) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed, or purporting to be passed, under or pursuant to the provisions of sub-section 3 of this section may not have presented an application, as required by said sub-section, for the passing of such by-law, every such by-law shall, nevertheless, and to all intents and for all purposes, be held and deemed to be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the requisite number of occupiers of said last mentioned class of shops.

(15) The onus of proving that an application in compliance with sub-section 3 of this section was not presented to a local council by proof of the requisite number of the occupiers of any class of shops required to be closed by a by-law passed or purporting to be passed under or pursuant to the provisions of said sub-section shall, in all cases and for all purposes, be upon the person asserting that such application was not so presented. 52 V. c. 44, s. 5.

(16) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier.

(17) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

(18) Subject to the provisions in this section contained, any by-law passed by a local council under the authority of this Act shall for all purposes whatsoever be deemed and taken to have been passed under and by authority of *The Municipal Act* and as if this section had formed part of *The Municipal Act*; and this section shall be read and construed as if it formed part of *The Municipal Act*. 51 V. c. 33, s. 2 (12-14).

IMMIGRATION OF CHILDREN.

R. S. O., 1897, Cap. 262.

An Act to regulate the Immigration into Ontario of Certain Classes of Children.

INTERPRETATION, s. 1.	Return of children who become a public charge, s. 12
SOCIETIES FOR BRINGING CHILDREN INTO ONTARIO.	PENALTIES
Societies to be authorized, ss. 2, 3	Bringing in children unlawfully, s. 13.
Records to be kept by societies, s. 4.	Bringing in defective or criminal children, s. 14.
Certificate of examiner before children sent out, s. 5.	NOTICE OF CHILDREN COMMITTED TO GAOL, s. 15.
Duties as to children brought into Ontario ss. 6, 10.	INVESTIGATION AS TO VIOLATIONS OF ACTS, s. 16.
Investigation of complaints as to treatment of children, s. 11.	REVISED STATUTE c. 157 NOT AFFECTED, s. 17.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:

"Child."

1. "Child" shall mean a person under 18 years of age.

"Society."

2. "Society" shall mean any individual or association of individuals, whether incorporated or unincorporated, undertaking the care, training, reformation or education of orphan, neglected or dependent children, or the bringing of such children into the Province, or the placing out of such children in foster homes, or the apprenticing of such children to any trade or industry, or other work of a similar character, and shall include a branch or agency of any society.

"Agent."

3. "Agent" shall include the superintendent or other officers of any society to which this Act applies, and also any person who undertakes for reward or otherwise to bring such children into the Province, or to place children in foster homes or as apprentices to any trade or calling or to procure them to be so placed.

"Inspector."

4. "Inspector" shall mean the Superintendent of Neglected and Dependent Children or any officer specially appointed by the Lieutenant-Governor in Council, to inspect the works, books and records of societies and agents.

"Examiner."

5. "Examiner" shall mean the agent of the Province of Ontario in Great Britain or any officer appointed by the Lieutenant-Governor in Council to inspect and examine in Great Britain or Ireland, children who are to be brought into the Province of Ontario. And any officer

of the Government of the Dominion of Canada may, with the consent of the Government of Canada, be appointed by the Lieutenant-Governor in Council to perform the duties of an examiner under this Act. 60 V. c. 53, s. 1.

2. The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into this Province, indigent, neglected or dependent children, for the purpose of providing for such children in this Province by placing them out in foster homes, or binding them as apprentices, or otherwise. 60 V. c. 53, s. 2.

Authority of
Lieutenant-
Governor for
binding chil-
dren into
Ontario.

3. Every such society or agent, after such authority has been given, shall, as to operations in Ontario, be subject to the inspection and supervision of the inspector, who shall, at least four times in every year, or oftener, if required to do so by the Minister in charge, inspect the work of every such society or agent, and shall report thereon to the Lieutenant Governor in Council. 60 V. c. 53, s. 3.

Societies and
agents to be
subject to
inspection.

4. Every society or agent authorized to carry on work in Ontario, as aforesaid, shall keep a record in writing showing :

Record of
operations of
society.

(a) The full name of every child brought, or procured to be brought, into this Province by the society or agent ;

(b) The name and address of the parents or guardians, or other persons from whom the society or agent received such child ;

(c) The date on which the child was brought into this Province ;

(d) The age and date of birth of the child ;

(e) The name and place of residence of every person from time to time having the custody of the child ;

(f) The more important terms and conditions of the agreement entered into on placing out or binding as an apprentice any child ;

(g) Such other particulars as the inspector may, with the approval of the Minister in charge, from time to time require to be kept on record ;

and every examiner, before giving the certificate provided for in section 5, shall be furnished with such information as to the particulars hereinafter set out, as the society or agent proposing to bring or send any child into the Province of Ontario, as aforesaid, shall be able to give. 60 V. c. 53, s. 4.

5.—(1) No child shall be brought, or caused, or procured to be brought into the Province of Ontario by any society or agent, or by any person other than the parent, or a person standing *in loco parentis* to such child, from any port in Great Britain or Ireland, unless before the vessel upon which the child is to be a passenger sails, a certificate has been obtained from an examiner stating that he has satisfied himself by personal examination or inquiry, and by such sufficient evidence as may be produced, that the child named in the certificate has not been convicted of any crime or misdemeanour or displayed criminal or vicious tendencies, and is in other respects a child who may lawfully be brought into this Province as aforesaid.

Certificate of
examiner to
be obtained
before child
leaves Britain.

(2) The said certificate may include any number of children forming members of the same party of immigrants, and in charge of the same person or persons.

(3) Regulations may be made with the approval of the Lieutenant-Governor in Council authorizing the examiner to accept as sufficient evidence in whole or in part for the purposes of this section information received from any emigration agent or other officer of the Government of Canada whose duty it may be to officially inspect the children before being allowed to be brought into Canada. 60 V. c. 53, s. 11.

Duties of societies and agents as to children brought into Ontario.

6—(1) Every society or agent shall maintain careful supervision over every child brought, or caused or procured to be brought, into the Province by such society or agent, until such child attains the age of 18 years; and it shall be the duty of such society or agent to cause a personal visit by an agent specially appointed for that purpose, to be made to each such child at least once in every year, until the child has attained the said age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or agent, until the child attains the age of 18 years shall have all the powers, and shall perform all the duties by law provided in the case of the guardian of an infant.

(2) A certificate in writing, signed by an examiner or an inspector, stating the age of any person admitted into this Province under this Act at the date when such person was so admitted or left Great Britain or Ireland for that purpose, together with a further certificate signed by the Provincial Secretary declaring that the person signing such first mentioned certificate was at the time of signing the same a duly authorized examiner or inspector under this Act, shall in any prosecution, action, or other proceeding instituted, brought or taken under any Act of this Legislature, on account of or by, or against, or on behalf of any person so admitted, be conclusive evidence as to the age of such person. 60 V. c. 53, s. 5.

Homes or shelters to be provided.

7. Every such society or agent shall provide a permanent home or shelter to which any child brought, or caused, or procured to be brought into the Province as aforesaid, by such society or agent, may be returned after having been placed out in a foster home, or apprenticed as aforesaid, if the person with whom the child has been placed is unable or unwilling to retain the custody or control of the child; and the address of such shelter shall be specified in every agreement made with persons receiving children into foster homes or as apprentices. 60 V. c. 53, s. 6.

Persons with whom children placed to give information to society.

8. Every person receiving from any society or agent, any child brought into the Province of Ontario as aforesaid, shall whenever required by the society or agent so to do, furnish to the society or agent, full particulars as to the health, conduct, progress and welfare of the child. 60 V. c. 53, s. 7.

Return of child to home when employer is unwilling to retain child.

9. (1) In case any person who has received from a society or agent, a child brought into the Province of Ontario as aforesaid, is unable or unwilling to carry out the agreement entered into by him with the society or agent, he shall, at his own expense return the child safely to the home or shelter provided by the society or agent, and any such person who abandons a child so received, or refuses to maintain the child, and neglects or refuses to return him to the home or shelter provided by the society or agent as aforesaid, shall, on summary con-

Penalty for abandonment of child.

viction thereof, before two or more Justices of the Peace, be liable to a fine of not more than \$100, nor less than \$10, or to imprisonment for any term not exceeding three months. Provided, however, that nothing in this section contained shall be deemed to relieve any person or to entitle any person to relief as a matter of right in respect of a child received by him from any society or agency or in respect of any contract or agreement entered into in respect of such child, until he obtains the written consent of such society or agent in that behalf.

(2) Wherever a child has been so returned after having been placed out or apprenticed, the society or agent shall ascertain as far as possible the true cause of such return, and if it shall appear that such return was caused by any act of immorality or serious misconduct or misdemeanor on the part of the child, the society or agent shall, before the child is again placed out or apprenticed to any person, state to such person the true cause of such return as so ascertained, under penalty of forfeiture of the licence held by such society or agent, and of the sum of not more than \$100 to be recovered in any court of competent jurisdiction at the suit of the Crown or of the person aggrieved. 60 V, c. 53, s. 8.

10. (1) Where a child who has been received by any person as aforesaid, of his own accord deserts the home or employment of any person in whose home he has been placed, or to whom he has been apprenticed, or is wrongfully taken from the custody of such person, with or without the consent of the child, before attaining the age of 18 years, the person from whose custody the child has been taken or has escaped, shall immediately notify the society or agent from whom the child was received, and shall give all reasonable assistance in recovering and restoring to the guardianship of the society or agent the child, under penalty in case of default of not more than \$20 and not less than \$5, besides costs, to be recovered on summary conviction before two or more Justices of the Peace.

(2) It shall not be lawful for any person to entice a child away from a foster-home or situation, or to encourage or aid a child to leave the home in which such child has been placed for adoption or apprenticeship. Any person so interfering with a child may be prosecuted by a society or agent, and may on conviction thereof be fined any sum not exceeding \$25 or imprisoned for any period not exceeding three months. 60 V. c. 53, s. 9.

11. (1) In case any person resident in the Province gives notice to a society or agent that a child brought into the Province by the society or agent and placed out or apprenticed by the society or agent, is being ill-treated or overworked, or is not being properly educated, or is being otherwise neglected, such society or agent shall immediately cause the complaint to be investigated, and shall take all necessary steps to protect the child from further ill-treatment or neglect.

(2) Any person with whom a child has been placed out or apprenticed, who ill-treats or over works, or neglects to provide for the proper maintenance and education of such child, shall, upon summary conviction thereof, before two or more Justices of the Peace, be liable to a fine not exceeding \$50, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Rev. Stat.
c. 296.

(3) Every society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario shall be entitled to send such child to the public or separate schools of the municipality or school section in which the child resides, in the same manner as the child of any ratepayer in the municipality or school section, and every such society, agent or person having custody of any such child shall be subject to *The Act respecting Truancy and Compulsory School Attendance*, and to the penalties imposed by the said Act in the same manner and to the same extent as any ratepayer. 60 V. c. 53, s. 14.

Where child brought into Province becomes a public charge.

12. If any child hereafter so brought, or caused or procured to be brought, into the Province of Ontario, by any society or agent, within three years thereafter, becomes a charge upon the funds of any municipality, or upon the Province, or dependent upon private charity, such society or agent shall, if so ordered by the Inspector, pay to the municipality or the Province, or to any person maintaining the child, as the case may be, the cost of the maintenance of the child, and may be required to return the child to the place from which he came into this Province, if, in the opinion of the Inspector, such a course is advisable; Provided that the Inspector may exempt any society or agent from the operation of this section upon production of the certificate of an examiner to the effect set forth in section 5 of this Act, unless it is made to appear that such certificate was granted on false statements or representations made by or on behalf of the society. 60 V. c. 53, s. 13.

Proviso.

Penalty for bringing children into Province unlawfully.

13. Any person who, without the authority conferred by the Lieutenant-Governor under section 2 of this Act, brings, causes or procures to be brought into this Province, after the 1st day of September, 1897, any indigent, neglected or dependent child, not being his own child, or a child for whom he is acting as guardian, or one towards whom he stands *in loco parentis*, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a fine of not more than \$100 nor less than \$10, besides costs, and in default of payment of such fine and costs, to imprisonment for any period not exceeding three months. 60 V. c. 53, s. 10.

Penalty for bringing defective or criminal children, etc., into Ontario.

14.—(1) Any society or agent, or person acting on behalf of any society or agent, who brings, or causes or procures to be brought into the Province of Ontario, any child who, from defective intellect, or disease, or physical infirmity, or any other defect, is unable to follow any trade or calling, or any child of known vicious tendencies, or any child who is known to be an habitual criminal or who has been reared, or who had resided amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, or idiots, or weak-minded or defective constitutionally, or confirmed paupers, or diseased, or without having the certificate provided for in section 5 of this Act, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a penalty of not more than \$100, nor less than \$10, besides costs, and in default of payment of said fine and costs, to imprisonment for any period not exceeding 3 months.

(2) No proceedings against any person under this section shall be taken after the expiration of two years from the date on which the child was brought into the Province as aforesaid.

(3) The provisions of sections 5 and 13 and of this section shall not apply in the case of any person not acting as an agent or on behalf of any society or agent, and who is specially entrusted with the custody of the child by the parent or persons standing *in loco parentis* to such child for the purpose of bringing the said child into the Province, and delivering him to the custody of some person in the Province; provided that the person to whom the child is to be delivered is in the opinion of the Superintendent of Neglected and Dependent Children a fit and proper person to be entrusted with the custody of the child. 60 V. c. 53, s. 12.

15. Whenever any child admitted to the Province under this Act is committed to or detained in the common gaol of a county, it shall be the duty of the Sheriff of the county to notify the Superintendent of Neglected and Dependent Children of the name and age of the child, and the date and cause of such committal or detention. 60 V. c. 53, s. 15, *part*.

16. The Inspector may direct proceedings to be taken against any person for violating the provisions of this Act, and he shall, for this purpose, inquire into all the complaints made to him against any person, society or agent, and report thereon to the Minister in charge of the Department to which he is attached; and the Inspector may, in his report, recommend that the authority conferred by the Lieutenant-Governor-in-Council under section 2 of this Act, shall be revoked, and the Lieutenant-Governor may thereupon by order revoke such authority. 60 V. c. 53, s. 16.

17. Nothing in this Act shall affect the provisions of *The Act respecting Master and Servant* with regard to agreements made with persons resident out of Canada for the performance of labour or service or having reference to the performance of labour or service by such persons in the Province of Ontario. 60 V. c. 53, s. 17.

EGRESS FROM PUBLIC BUILDINGS.

R. S. O. 1897, CAP. 263.

An Act to regulate the means of Egress from Public Buildings.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In all churches, theatres, halls or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause. R. S. O. 1887, c. 210, s. 1.

Congregations incorporated and trustees holding for congregations under Rev. Stat. c. 307, and rectors, etc., holding under 3 V. c. 74, liable for neglecting the provisions of this Act.

2. Congregations possessing corporate powers, and all trustees holding churches or buildings used for churches under *The Act respecting the property of Religious Institutions*, and incumbents and churchwardens holding churches, or buildings used for churches under the Act of the Parliament of the late Province of Upper Canada, passed in the 3rd year of the reign of Her Majesty, Queen Victoria, chapter 74, intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, and all other persons holding churches or buildings used for churches, under any other Act, shall be severally liable, as trustees for such societies or congregations, to the provisions of this Act. R. S. O. 1887, c. 210, s. 2.

Individuals, companies and corporations liable to fine for neglecting the provisions of this Act.

3. Any persons owning or possessing public halls, churches or other buildings used for public meetings, who violate the provisions of this Act, shall be liable to a fine not exceeding \$50, recoverable on information before any two of Her Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any city or town; one moiety of such fine shall be paid to the party laying the information, and the other moiety to the municipality within which the case arises; and persons so complained against shall be liable to a further fine of \$5 for every week succeeding that in which the complaint is laid, if the necessary changes are not made. R. S. O. 1887, c. 210, s. 3.

Duties of municipal officers.

4. In cities, towns and incorporated villages, it shall be the duty of the high bailiff, chief constable, or chief of police, to enforce the provisions of this Act, and such officers neglecting the performance of such duties shall be liable to a fine not exceeding \$50, recoverable in the manner and before the Justices of the Peace, and payable to the parties mentioned in the preceding section. R. S. O. 1887, c. 210, s. 4.

Officer to enforce this Act.

5. County and township municipalities may, by by-law appoint an officer to enforce the provisions of this Act. R. S. O. 1887, c. 210, s. 5.

Not to apply to convents.

6. This Act shall not be construed to apply to convents or private chapels connected therewith. R. S. O. 1887, c. 210, s. 6. *See Cap. 223, sec. 541 (2).*

HORSE-POWER THRESHING MACHINES, ETC.

R. S. O., 1897, CAP. 265.

An Act to require the owners of Threshing and other Machines to guard against Accidents.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All persons owning or running any threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause each of the knuckles, couplings or joints and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running, with wood, leather or metal covering, in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof; and shall cause all oiling cups attached to arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belts in such manner as shall prevent damage from oiling when the machine is in motion; and shall further cause a driver's platform to be placed on any horse-power used for driving machinery, of such size as to cover the gearing constituting said horse-power, and in such manner as to prevent accident arising to any person from contact with said gearing. Certain machines to be so protected as to prevent injury to persons near them.
R. S. O. 1887, c. 211, s. 1.

2. Any person owning or running any threshing, wood-sawing or other machine, connected to a horse power by means of a tumbling rod or line of shafting, who neglects or refuses to comply with the provisions of this Act, shall on summary conviction, on information or complaint before one or more Justices of the Peace, be liable to a fine of not less than \$1 nor more than \$20, over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the nearest common gaol for a period of not less than two or more than twenty days, at the discretion of such Justice or Justices of the Peace. Penalty for non-compliance with provisions of this Act.
R. S. O. 1887, c. 211, s. 2.

3. No action shall be maintained, nor shall any legal liability exist, for services rendered by or with any machine, such as is mentioned in section 1 of this Act, when it is made to appear that the said section has not been complied with. No action for services rendered if provisions of this Act are not complied with.
R. S. O. 1887, c. 211, s. 3.

4. All fines imposed and collected under this Act shall be paid, one-half to the complainant or prosecutor, and the other half to the treasurer of the school section in which the offence was committed, for the use of the public school in such section. Disposition of the fines.
R. S. O. 1887, c. 211, s. 4.

Proceedings
to be com-
menced within
thirty days.

5. All proceedings against any person for any violation of section 1 of this Act shall be commenced within thirty days after the commission of the offence. R. S. O. 1887, c. 211, s. 5.

Convictions
defective in
form.

6. No conviction under this Act shall be quashed for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. R. S. O. 1887, c. 211, s. 6.

RAILWAY ACCIDENTS.

R. S. O., 1897, CAP. 266.

An Act to make provision for the safety of Railway Employees and the Public.

SHORT TITLE, s. 1.
APPLICATION OF ACT, s. 2.
INTERPRETATION, ss. 2, 3.
BRIDGES, s. 4.
SPECIAL PROVISIONS AGAINST ACCI-
DENT, s. 5.

LIABILITY OF COMPANY FOR DEFAULT,
ss. 6, 7.
Limit of compensation, s. 8.
Limitation of actions, s. 9.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Railway Accidents Act.*" R. S. O. 1887, c. 212, s. 1.

Application of Act. 2. This Act shall apply to every railway and railway company in respect of which the Legislature of Ontario has authority to enact such provisions respectively; and in this Act the expression "Railway Company" shall include the owner or lessee of any such railway, and the contractor or person working or operating the same. R. S. O. 1887, c. 212, s. 2.

"Packing,"
meaning of.

3. In this Act the word "packing" shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and the same where by this Act required to be filled in, shall extend to within one and a-half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid. R. S. O. 1887, c. 212, s. 3.

4. Wherever a highway bridge or any other erection or structure is constructed over a railway, or wherever it becomes necessary to re-construct any highway bridge, or other erection or structure built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of such highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or re-constructed by and at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running on the railway and the lower beams or members of such bridge or other erection; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or re-construction of, or large repair to, such bridge or other erection or structure, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway. Where new bridges are built or old ones re-built, space of 7 feet to be left between such bridges and the tops of freight cars. R. S. O. 1887, c. 212, s. 4.

5. To make further provision against accidents, it is hereby further enacted that: Special provisions against accident.

1. On every railway aforesaid, and at all times, the space between the rails in each railway frog extending from the point thereof backward to where the heads of such rails are not less than five inches apart, shall be filled in with packing;

2. On every such railway, and at all times during every month of April, May, June, July, August, September, October and November, the space between any wing-rail and railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, shall (save only where the space between the heads of such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width,) be filled in with packing;

3. The running-board on the roof of each box car used for freight-purposes on such railway shall, at all times, be of a sufficient thickness and strength, and not less than thirty inches in width, and shall, with proper and safe supports, extend the whole length of the car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car likewise extend;

And every railway company owning, working or operating within this Province such railway shall on and throughout the railway so make, arrange and construct and rearrange, reconstruct and maintain all railway frogs, wing-rails, guard-rails and other rails forming part of the railway or used therewith, and every such space as aforesaid, and

the filling in thereof with packing as aforesaid, and the running-board on every such box car as aforesaid, in such manner and at such time that the same shall respectively conform to and comply with the requirements of this section in that behalf. R.S.O. 1887, c. 212, s. 5; 60 V. c. 14, s. 93 (3.)

Railway company neglecting provisions of the preceding sections to be liable for injury occasioned by such neglect.

6. Where, within this Province, personal injury is caused to a railway servant, whilst in the employment or service of a railway company, on any railway owned, worked or operated by the railway company, or to any other person lawfully in, upon or about the railway, or any train or car thereon, and the personal injury has been occasioned or arose either wholly or partly:

1. By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over the railway, not being at all times of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars running on such railway, and the bottom of such lower beams or members; or,

2. By reason of the space between the rails in any railway frog, extending from the point of the frog backward to where the heads of the rails are not less than five inches apart, not being, at all times, filled in with packing; or,

3. By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes (save only where the space between the heads of such wing-rail and railway frog as aforesaid, or between the heads of such guard-rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), not being at all times during every month of April, May, June, July, August, September, October and November, filled in with packing; or,

4. By reason of the running-board on the roof of any box car used for freighting purposes on any such railway, not being of a sufficient thickness and strength, and at least thirty inches in width, and with proper and safe supports, extending the whole length of the car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car are then likewise extending—

such railway servant or other person, or, in case the injury results in death, the legal personal representatives of such servant or other person, and any persons entitled in case of death, shall be entitled to recover from the railway company compensation for all damages and loss sustained from or by reason of such injury; and where such injury has been so caused to or suffered by such railway servant, the right of compensation and the remedies against the railway company shall be the same as if the railway servant had not been a servant of, nor in the employment of the railway company, nor engaged in its work. R. S. O. 1887, c. 212, s. 6.

7. A railway servant, his legal personal representatives and any person, entitled in case of his death, shall not be entitled under this Act to any right of compensation or remedy against the railway company of which he is the servant, in any of the following cases, that is to say :

When railway
not liable for
default.

1. Unless the default, matter, or thing wholly or partly occasioning the personal injury as mentioned in section 6 of this Act, arose from or had not been discovered or remedied, owing to the negligence of such railway company, or of some person in the service of and entrusted by the railway company with the duty of seeing that such default, matter or thing did not happen, occur or exist ;

2. In any case where the railway servant knew of the matter, default or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the railway company or some person superior to himself in the service of the railway company, unless he was aware that the railway company or such superior already knew of the said matter, default or negligence ;

3. In any case where the matter, default or negligence was occasioned by his own act, omission or negligence ; but a railway servant shall not by reason only of his continuing in the employment of the railway company with knowledge of the matter, default or negligence which caused the injury, be deemed to have voluntarily incurred the risk of the injury. R.S.O. 1887, c. 212, s. 7; 60 V. c. 14, s. 93 (1); c. 45, s. 82.

8. The amount of compensation recoverable under this Act, in the case of injury to any railway servant as aforesaid, shall not exceed such sum as may be found equivalent to the estimated earnings, during the three years preceding the injury, of a person in the same grade, employed during those years in the like employment, and within this Province, or the sum of five hundred dollars whichever is the larger ; and such compensation shall not be subject to any deduction or abatement by reason, or on account, or in respect of any matter or thing whatsoever save such as is specially provided for in section 12 of *The Workmen's Compensation for Injuries Act*. R. S. O. Rev. Stat. 1887, c. 212, s. 8; 60 V. c. 14, s. 93 (2).

Limit of com-
pensation for
injury.

R. S. O. Rev. Stat.
c. 160.

9. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless the action is commenced within six months from the occurrence of the accident causing the injury, or, in case of death, within twelve months from the time of death. R. S. O. 1887, c. 212, s. 9.

Limitation
action.

TECHNICAL SCHOOLS.

R. S. O., 1897, CAP. 301.

An Act respecting Technical Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Establishment
of technical
schools by high
school boards.

Rev. Stat.
c. 293.

Technical
instruction
provided by
high school
boards.

Rev. Stat.
c. 293.
to apply to
technical
schools subject
to regulations
of department

1. The trustees of any High School or any Board of Education may by resolution passed at a special meeting called for the purpose (of which at least one month's notice shall be given in writing to each member thereof), establish a technical school or may change any High School already established into a Technical School, providing that such resolution shall not take effect until ratified by a by-law of each municipality composing the High School district and also by the county council (if any) required by *The High Schools Act*, to contribute the equivalent of the Legislative grant towards the maintenance of such High School. 60 V. c. 58, s. 1.

2. Subject to the preceding section it shall be lawful for the trustees of any High School or Board of Education to provide instruction in the arts and sciences usually taught in Technical Schools, but particularly such arts and sciences as relate to the industries of the Province, the marketable value of the raw material used in manufactures; the chemistry of foods, dyes, and minerals. Instruction shall also be given in agriculture and domestic science, and in architecture, mechanical drawing and decorative design, and such other related subjects as may be found necessary to render the labours of the farmer, the mechanic and the artisan more productive. The buildings to be used for Technical School purposes shall be separate and distinct from the buildings used for High School purposes. Any pupil not entitled to be admitted to a High School shall not be entitled to admission to any Technical School established as herein provided. 60 V. c. 58, s. 2.

3. The provisions of *The High Schools Act* shall apply to Technical Schools, subject to any regulations of the Education Department with respect to the fees to be paid by pupils, the course of study, the qualifications of teachers, the use of text books, and the equipment of the school. The conditions upon which money voted by the Legislature for High Schools shall apply to all appropriations made to Technical Schools. 60 V. c. 58, s. 3.

TECHNICAL SCHOOLS FOR ADULTS.

Establishment
of technical
schools for
adults in cities
and towns.

4. It shall be lawful for the municipal corporation of any city or town by by-law to appropriate such sums of money as may be deemed expedient for the establishment of a Technical School for adults within the meaning of this Act. All the powers vested in the cor-

poration by *The Municipal Act*, for the purchase or expropriation of lands or for leasing or repairing buildings or for the erection of new buildings for the use of the municipality, shall be applicable to this Act. 60 V. c. 58, s. 4. Rev. Stat. c. 223.

5. Towards the maintenance of such schools, there shall be paid annually, on the report of the Minister of Education, out of any moneys appropriated by the Legislature for that purpose, a sum not exceeding the amount payable for the maintenance of High School pupils under the regulations of the Education Department. 60 V. c. 58, s. 5. Grant to adult technical schools.

6. The general management and control of the school for adults shall be vested in and exercised by a board of management to be appointed as provided in section 9 of *The Public Libraries Act*. In cities and towns in which a Public Library has been established under Part I. the said Act, Technical Schools for adults shall be under the management and control of the board of such library. Provided always that any Technical School already established under by-law of a municipality may be carried on under such by-law during the pleasure of the municipal council, subject to the regulations of the Education Department. 60 V. c. 58, s. 6. Board of management. Rev. Stat. c. 232.

7. The board or the trustees (as the case may be) appointed under any by-law as in the preceding section provided shall have the power to appoint such teachers, officers and servants as may be necessary for the purposes of the school, to fix their salaries and to assign them their several duties. For the payment of the salaries of the teachers, officers and servants, and for all other purposes of maintenance, the municipality shall have power to appropriate out of the general income of the municipality from any source whatever, such sums of money as the municipality may by by-law determine. The expenditure of the board of management shall be subject to the same audit as the expenditure of the municipality. 60 V. c. 58, s. 7. Powers of board. Expenses.

8. The qualifications of the teachers employed in technical schools for adults, and all matters relating to the course of study and the equipment of the school, shall be subject to the regulations of the Education Department. 60 V. c. 58, s. 8. Regulations of Education Department.

EMPLOYMENT OF PRISONERS.

R. S. O., 1897, CAP. 316.

An Act to provide for employing Prisoners without the walls of Common Gaols.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may direct or authorize employment of prisoners outside gaol.

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any work or duty, the nature of which is specified in the Order in Council, beyond the limits of any common gaol, of any prisoner who is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of Ontario, or for the breach of the by-laws of any municipal corporation in this Province. R. S. O. 1887, c. 244, s. 1.

Discipline of gaol to be observed during employment.
R. S. O.
c. 183, s. 8.

2. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol so far as applicable, and to any regulations made by the Lieutenant-Governor in Council under section 8 of chapter 183 of the Revised Statutes of Canada or any Act thereby consolidated, for preventing escapes and preserving discipline. R. S. O. 1887, c. 244, s. 2.

Supervision.

3. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty. R. S. O. 1887, c. 244, s. 3.

Place of work to be deemed part of gaol.

4. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act so far as the legislative authority of this Province extends in this behalf. R. S. O. 1887, c. 244, s. 4.

Application of earnings of prisoners.

5. An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the said prisoners; the division shall be made by such officer, or other person or persons, and at such times as the Lieutenant-Governor in Council shall direct. R. S. O. 1887, c. 244, s. 5.

Application of earnings between county and city or towns.

6. In the case of a county in which a city or separated town is situated, the share of such earnings which the said city or town shall be entitled to receive from the county shall, in case the councils are unable to agree with respect thereto, be determined annually by arbitration, according to the provisions of *The Municipal Act*. R. S. O. 1887, c. 244, s. 6.

Rev. Stat.
c. 223.

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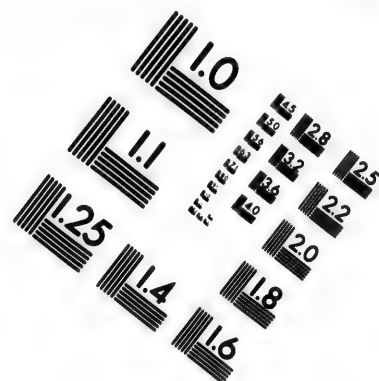
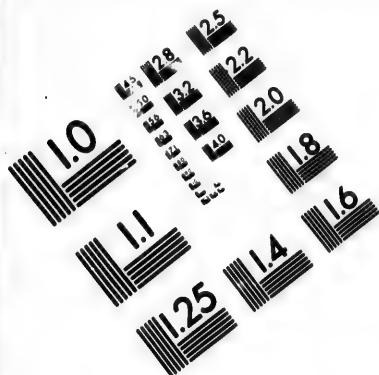
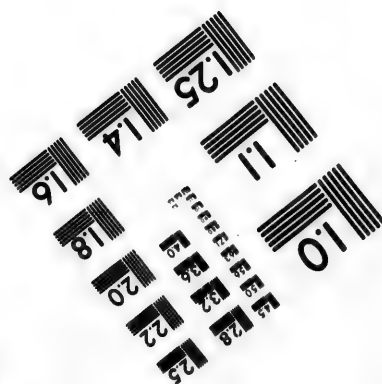
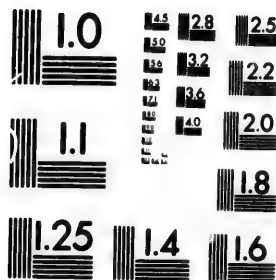


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